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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0097

City of Glendale

ORDER APPROVING CHANGE IN PLACE OF USE AND QUANTITY OF DISCHARGE

SOURCE: Los Angeles River

COUNTY: Los Angeles

WHEREAS:

- 1. Water Code section 1211 requires the owner of any wastewater treatment plant to obtain approval from the State Water Resources Control Board (State Water Board or Board) prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, when changes in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse.
- 2. The City of Glendale (Glendale) jointly owns the Los Angeles-Glendale Water Reclamation Plant (LAGWRP) with the City of Los Angeles. LAGWRP, which has a potential capacity of 20 million gallons per day (mgd) (or approximately 22,400 acre-feet per year (afy)) is located adjacent to, and southwest of, the City of Glendale in the City of Los Angeles. By agreement, Glendale reimburses the City of Los Angeles Bureau of Sanitation (Los Angeles Sanitation) for the operation of Glendale's 50 percent share of the plant. Wastewater entering LAGWRP is treated to Title 22 tertiary recycled water standards. The treated wastewater, after dechlorination, is reused for plant operations and provides recycled water to the cities of Los Angeles and Glendale via recycled water distribution systems. Excess treated wastewater (as of 2016, approximately 10,500 afy) is discharged to the Los Angeles River. Glendale is entitled to 50 percent of the total effluent from LAGWRP.
- 3. On September 14, 2016, Glendale filed Wastewater Change Petition WW0097, pursuant to Water Code section 1211. The WW0097 petition seeks authorization to change the place of use for treated wastewater that would result in reduced discharges to the Los Angeles River. Glendale also proposes to construct and operate three additional, new, recycled water distribution pipelines and associated pump stations within the City of Glendale, and a pipeline connection to the City of Pasadena's (Pasadena) recycled water distribution system, called the Pasadena Non-Potable Water Project. The WW0097 petition and associated new recycled water distribution facilities are hereafter referred to as the Project.
- 4. The Project would expand Glendale's recycled water system within the City of Glendale and provide tertiary-treated recycled water to additional customers in the cities of Pasadena, San Marino, Los Angeles, La Cañada-Flintridge, and the unincorporated Los Angeles County community of Altadena, for irrigation and industrial purposes, thereby reducing discharges of

treated effluent from the LAGWRP to the Los Angeles River. Glendale's redirection of additional treated wastewater generated by LAGWRP for these uses will reduce the amount of treated water discharged from the LAGWRP to the Los Angeles River by up to 3,500 afy, from January 1 to December 31 of each year.

- 5. The purpose of the Project is to increase the use of recycled water within the Upper Los Angeles River Area, and decrease the use of potable water for uses that are appropriately served with recycled water, consistent with state law and regulations and State Water Board policy. One goal of the Project is to decrease Glendale's and Pasadena's dependence on imported water.
- 6. Per the Reclaimed Water System Participation Agreement No. 15,075 between Glendale and Pasadena (Glendale-Pasadena Agreement), Pasadena is entitled up to 6,000 afy of the City of Glendale's LAGWRP allotment. The Project would allow for the delivery of up to 3,100 afy to Pasadena per the Glendale-Pasadena Agreement through infrastructure constructed per Pasadena's Non-Potable Water Project (approved in 2016). The remainder would be delivered to Glendale's additional customers through its new recycled water connections.
- 7. For the purposes of this Order, the State Water Board considers the following information as Glendale's existing point of discharge, place of use, and purpose of use of treated wastewater:
 - a. The point of discharge is located at North 1,872,402 feet and East 6,478,420 feet by California Coordinate System NAD 1983, Zone 5, being within SE¼ of SE¼ of projected Section 30, T1N, R13W, SBB&M.
 - b. The existing place of use is within the boundaries of the cities of Glendale and Los Angeles.
 - c. The existing purposes of use are irrigation and industrial.
- Wastewater treatment and surface water discharge activities by Glendale are currently authorized by the Los Angeles Regional Water Quality Control Board (Regional Water Board) under Order No. R4-2011-0197-A01 (National Pollutant Discharge Elimination System Permit No.CA0053953).
- 9. The Division of Water Rights (Division) issued a public notice of the petition on April 20, 2017 in accordance with Water Code section 1703. A protest was filed jointly by the City of Los Angeles Department of Water and Power and Los Angeles Sanitation (collectively, Los Angeles) on April 13, 2017 and then again on May 2, 2017 on public interest grounds. On May 1, 2017, a protest was also filed by Los Angeles Waterkeeper (LA Waterkeeper) on environmental grounds. Letters of support for the petition were filed with the Board by Pasadena and the Rose Bowl. On August 8, 2017, Glendale answered the Los Angeles and LA Waterkeeper protests.
- 10. On November 8, 2017, the State Water Board held an informational session on the Los Angeles River entitled, "LA River Existing and Future Conditions: Instream Flow Needs." Numerous agencies, including the cities of Los Angeles and Glendale made presentations. No action was taken by the Board at this meeting. Thereafter, the State Water Board and the Los Angeles Regional Water Quality Control Board initiated a flow study of the LA River by the Southern California Coastal Water Research Project (SCCWRP), which is projected to be complete by 2020.
- 11. The State Water Board has reviewed the petition, protests, and the whole record. The Board finds that the petition for change of place of use and quantity of discharge to a watercourse will not cause injury to any other lawful user of water.

12. Los Angeles sent a letter dated December 27, 2018 to the Division withdrawing its protest and requesting that the State Water Board include the following provision in its order approving the petition:

"The State Water Board reserves continuing jurisdiction in the public interest to implement and amend this Order for conformity with instream flow requirements that may be established for the Los Angeles River in the future, and in the event of unforeseen adverse impacts to fish and wildlife resources and other instream beneficial uses. Modifications to this Order shall only be made after notice and opportunity for a hearing."

By letter dated January 9, 2019, Glendale agreed to the requested provision.

13. On December 17, 2018, LA Waterkeeper withdrew its protest and requested that the State Water Board impose a condition on its approval of the petition that requires Glendale to implement its increased use of recycled water and corresponding decreases in discharge of recycled water from LAGWRP to the Los Angeles River, as described in the petition, incrementally over five years, commencing in 2019. By letter dated January 9, 2019, Glendale agreed to this phased increase in recycled water use, and corresponding reduction in discharge to the Los Angeles River, as shown in the table below.

Year	Glendale's Incremental Increase in Recycled Water Use (afy)
2019	1,100
2020	1,500
2021	2,000
2022	2,500
2023	3,500

By email dated January 11, 2019, LA Waterkeeper expressed its support for approval of the petition.

- 14. Under the California Environmental Quality Act (CEQA), Glendale is the lead agency for preparation of environmental documentation for the Project. On August 14, 2018, Glendale adopted the final Initial Statement/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2018061015, and on August 16, 2018, issued its Notice of Determination (NOD). The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the Project. As a CEQA responsible agency, the Board must consider the environmental documentation prepared by the lead agency and any other relevant evidence in the record, and must reach its own conclusions on whether and how to approve the Project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).)
- 15. The State Water Board has considered the final IS/MND in deciding whether to approve the Project. The final IS/MND considers the potential impacts of the Project and potential cumulative impacts of all existing and known proposed projects that have the potential to result in reduced flows to the Los Angeles River. The flow impacts are evaluated in the final IS/MND. The Board finds that there will be no significant impact to fish, wildlife, or the environment from the petition. The Board will issue a NOD within five days of the date of this Order.
- 16. In addition to any obligation the State Water Board may have under the CEQA, the Board has an independent obligation to consider the effect of the Project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346].) With the inclusion of protest dismissal terms, standard terms and conditions, and mitigation measures identified in the MND and attached in the Mitigation Monitoring and Reporting Program (MMRP), the Board finds that the proposed changes will not

cause an unreasonable effect to public trust resources and approval of the Project is not contrary to the Board's public trust responsibilities.

- 17. The State Water Board has a Policy for Water Quality Control for Recycled Water (Recycled Water Policy), originally adopted on February 3, 2009 and amended on January 22, 2013 and December 11, 2018. The purpose of the Recycled Water Policy is to increase the use of recycled water from municipal wastewater sources, and one of the goals for California, as stipulated in the Recycled Water Policy, is to increase the use of recycled water over 2002 levels by at least one million acre-feet per year by 2020, and by at least two million acre-feet per year by 2030. Glendale's Project, as proposed in the petition, is consistent with the purpose and will help California meet the goals of the Recycled Water Policy. The Board finds that the Project is in the public interest.
- 18. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to administer the Board's water rights program to the Deputy Director for the Division of Water Rights, and the Deputy Director for the Division of Water Rights has redelegated the authority.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

- 1. The protests of the City of Los Angeles Department of Water and Power and Los Angeles Sanitation and Los Angeles Waterkeeper are dismissed with the inclusion of Terms 4 and 8, shown below.
- The point of discharge is unchanged and is located at North 1,872,402 feet and East 6,478,420 feet by California Coordinate System NAD 1983, Zone 5, being within SE¼ of SE¼ of projected Section 30, T1N, R13W, SBB&M.
- 3. The request to change the place of use of treated wastewater is approved. The place of use for treated wastewater produced by the City of Glendale (Glendale) under WW0097 is within the service areas of Glendale and the City of Pasadena, which includes the majority of the areas within Glendale and Pasadena city boundaries as well as adjacent portions of the cites of San Marino, Los Angeles, La Cañada-Flintridge, and the unincorporated Los Angeles County community of Altadena as shown on the Place of Use map filed with the State Water Resources Control Board (State Water Board), and attached.
- 4. The quantity of discharge of treated wastewater from the Los Angeles-Glendale Water Reclamation Plant (LAGWRP) to the Los Angeles River may be reduced by up to an additional 3,500 acre-feet per year (afy), from January 1 to December 31 of each year, occurring in a phased approach, commencing in 2019. This reduction in discharge results in an increase in Glendale's recycled water use, shown in the table below.

Year	Glendale's Incremental Increase in Recycled Water Use (afy)
2019	1,100
2020	1,500
2021	2,000
2022	2,500
2023	3,500

5. The purposes of use for treated wastewater produced by Glendale are irrigation and industrial.

- 6. Glendale shall obtain all necessary federal (including Clean Water Act section 404), state, and local agency permits, and approvals required by other agencies prior to construction or operation of the Project. Copies of such permits and approvals shall be forwarded to the Deputy Director for the Division of Water Rights.
- 7. Glendale is responsible for compliance with any applicable waste discharge or water recycling requirements issued by the Los Angeles Regional Water Quality Control Board or the State Water Board.
- 8. The State Water Board reserves continuing authority in the public interest to implement and amend this Order for conformity with instream flow requirements that may be established for the Los Angeles River in the future, and in the event of unforeseen adverse impacts to fish and wildlife resources and other instream beneficial uses. Modifications to this Order shall only be made after notice and opportunity for a hearing.
- 9. Glendale shall file an annual report with the Deputy Director for the Division of Water Rights by May 31 of each year following the year of issuance that includes at minimum the following information for the previous calendar year: monthly amount of inflow to the LAGWRP, monthly discharges to the Los Angeles River, and Glendale's monthly total recycled water deliveries in afy.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY: SCOTT MCFARLAND, FOR

Erik Ekdahl, Deputy Director Division of Water Rights

Dated: MAR 13 2019

Attachments: 1) MMRP

2) Place of Use Map

ATTACHMENT E – MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP), which is provided in Table E-1. Mitigation Monitoring and Reporting Program, has been prepared pursuant to Public Resources Code Section 21081.6, which requires adoption of a MMRP for projects in which the Lead Agency has required changes or adopted mitigation to avoid significant environmental effects. The City of Glendale (City) is the Lead Agency for the Glendale Recycled Water Project, including the 2018 Wastewater Change Petition (SWRCB WW0097) (proposed project or Project) and therefore is responsible for administering and implementing the MMRP. The decision-makers must define specific reporting and/or monitoring requirements to be enforced during Project implementation prior to final approval of the Project. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the IS/MND are implemented, thereby minimizing identified environmental effects.

The MMRP for the Project will be in place through all phases of the Project, including design (pre-construction), construction, and operation. The City will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems.

Each mitigation measure is categorized by impact area, with an accompanying identification of:

- The action required, including the phase during which the mitigation measure should be monitored;
- The timing of implementation of the mitigation measure;
- The responsible party; and
- The monitoring/enforcement agency

Table E-1

August 2018

Mitigation Monitoring and Reporting Program

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Entering/	City of Glendale.
kterponalolo Renav	Project Applicant,
and a second	Prior to construction activities in suitable habitat areas where construction is anticipated.
ActionReptical	Confirm surveys are conducted prior to construction activities.
Bation aliRe	MM BIOLI: Throw of the second, trimming, or disturbance of vegetation that could be used as nesting habitat for birds during nesting season (typically February through August), a qualified biologist will conduct a preconstruction survey for nesting birds. If active nests are identified, the biologist will apply a no-work buffer around the nest at an appropriate distance that would insure no incidental take of the nest from the project. Typical buffer distances are 300 feet for songbirds and 500 feet for raptors, but the distance in the field will be determined by the biologist and will be based on the ambient conditions, type of work proposed and distance form the nest, and the antifer will remain in place until the biologist the distence of the project, the buffer may be considerably less than the typical 300 or 500 feet, at the distence of the project biologist. The no-work buffer will remain in place until the biologist has determined the young have fledged and are no longer dependent on the nest site.

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Table E-1 (Continued)

Mitigation Monitoring and Reporting Program

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kadon (Regulted	Confirm and review Prior to removal c removal request encroachment or and replacement substantial trummi plan(s). of any street tree.	Confirm retention of Prior to issuance of qualified demolition, grading professional(s) and or building permit, monitoring of earthmoving activities.
Mitigation Measure	MM BIO-2: An Indigenous Tree Program permit will be obtained from the City of Glendale prior to removal, encroachment, or substantial trimming (topping or pruning more than one-quarter of total live foliage) of native trees protected by the City of Glendale's Indigenous Tree Program, including western sycamore (Platanus racemosa) and coast live oak (Quercus agrifolia). For every tree removed by the project, two replacement trees at a minimum 15-gallon size shall be planted.	V:Cultural Resources MM CUL-1: Prior to the issuance of a demolition permit, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008) (Qualified Archaeologist) shall be retained. The Qualified Archaeologist shall conduct cultural resources sensitivity training for construction personnel prior to construction personnel prior to construction implemented during construction and shall also be informed of the

Wastewater Change Petition WW0097 E-3

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Table E-1 (Continued)

Mitigation Monitoring and Reporting Program

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types of cultural resources that may be encountered, and the proper procedures to be followed in the event of an inadvertent discovery during construction. The City of Glendale shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.					
MM CUL-2: An archaeological monitor (working under the direct supervision of the Qualified Archaeologist) shall observe all ground-disturbing activities, including but not limited to: demolition, grubbing, trenching, grading or any other construction excavation activity in the particular areas of the Project site that have been designated as archaeologically sensitive (see Figure 4, Archaeological Sensitivity Map). These areas include portions of the Glendale Tee component, north of Doran Street and the western portion of the Chevy Chase Country Chub component The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older	Confirm retention of qualified professional(s) and monitoring of earthmoving activities.	Prior to the issuance of a demolition, grading, or building permit.	Project Applicant	City of Glendale.	

Wastewater Change Petition WW0097 E-4

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Table E-1 (Continued)

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MittgationMeasures	sediments), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the Qualified Archaeologist.	Reserved by the part of the pa
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Table E-1 (Continued)

Mitigation Monitoring and Reporting Program

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Table E-1 (Continued)

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galania		Prior to release of the Project grading bond.	Throughout grading and construction activities.
∆વ્હોઇઝાઉટવ્જ્યીલ્ડી		Confirm completion and submittal of final report.	Halt construction activities in the area of the discovery and contact the County
	institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.	MM CUL-4: The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. The report and the Site Forms shall be submitted to the City of Glendale, the South Central City of Glendale, the South Central costal Information Center, and representatives to signify the satisfactory completion of the required mitigation measures.	MM CUL-5: If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that

Wastewater Change Petition WW0097 E-7

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Mulgauon Meesuro	no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 2.4 hours to notify the NAHC. The NAHC shall them identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the landowner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the Native American remains, the Native American remains, the	ESA .

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	representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. MM PALEO-1: Prior to the issuance of a demolifion permit, a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (SVP, 2010) (Qualified Paleontology SVP) Standards for construction personnel prior to construction personnel prior to construction fraining for construction rews are phased, additional trainings shall be conducted for new construction personnel. The training session sinall focus on the recognition of the types of paleontological resources that could be encountered within the Project site and the procedures to be followed in the event of an inadvertent discovery during construction personnel are made available for and attend the
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Glendale Water and Power ESA

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Wastewater Change Petition WW0097 E-10

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Table E-1 (Continued)

Mitigation Monitoring and Reporting Program

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(Witigation Measure	paleontological salvage program in accordance with the standards of the Society for Vertebrate Paleontology (2010) in order to remove the resource from the location. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest institution with a research interest institution with a research interest finatitution with a research interest for the materials, such as the Natural History Museum of Los Angeles County, if such an institution agrees to a cocept the fossils. If no institution accepts the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school. The Qualified Paleontologist shall also determine the need for paleontological construction of the Project. The Qualified Paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology

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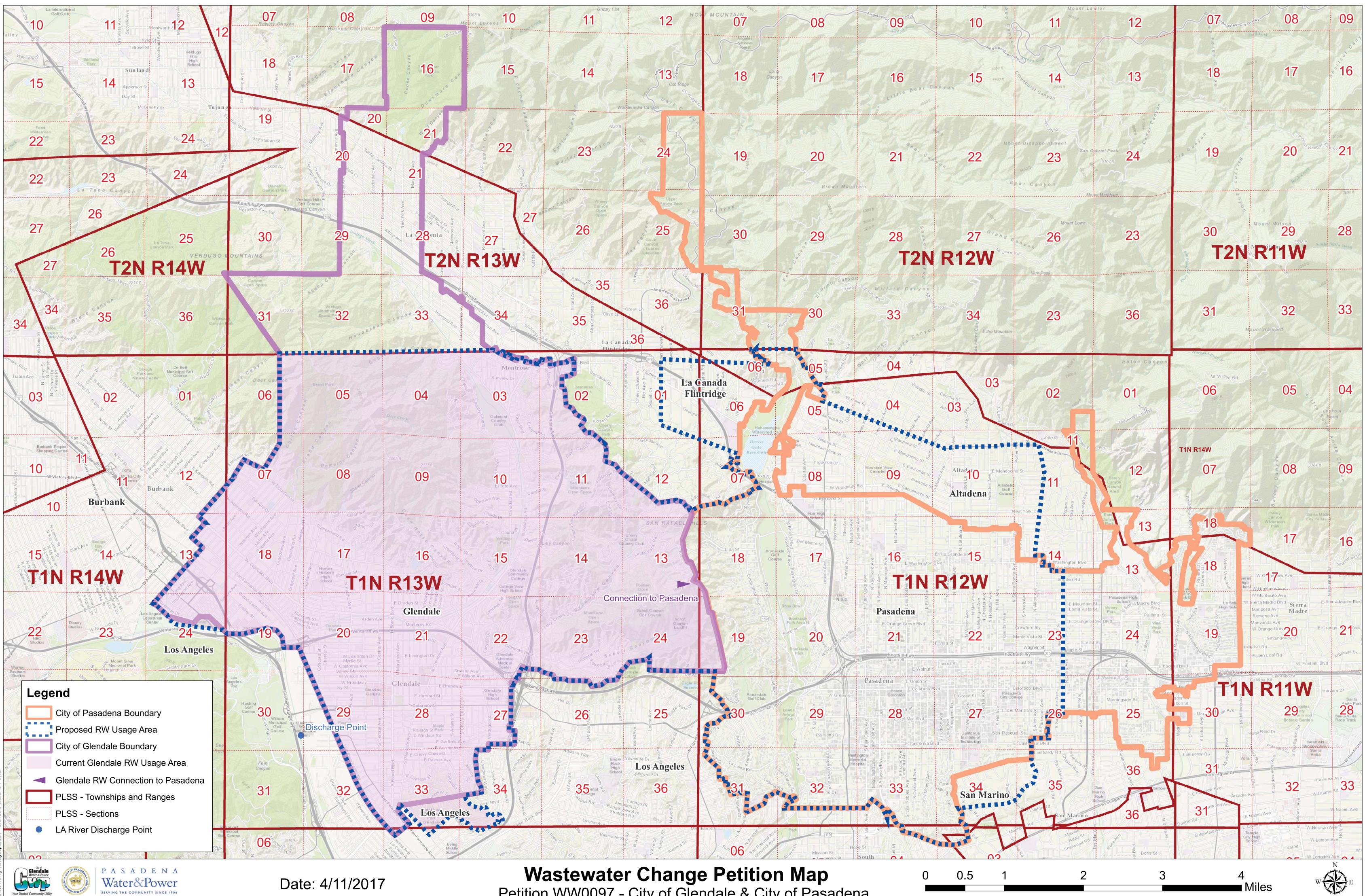
Table E-1 (Continued)

Mitigation Monitoring and Reporting Program

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kontonuy EntorementArensy			City of Glendale.
ि रिस्कुरुग्डागिट हिन्देषु			Project Applicant
Equinity			Prior to contract award for construction; throughout construction activities.
Action Raspurge			Confirm vibratory rollers will not be used during pipeline construction activities within 25 feet to noise- sensitive recepectors.
. Miljzuion Meraino	used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant to the City of Glendale, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.	All VOISe a state as a set	MM NOISE-1: During pipeline construction activitiès within 25 feet to noise-sensitive receptors (e.g., residences), the proposed project shall avoid the use of vibratory rollers. Other means of paving shall be employed to ensure that transient vibration velocities do not exceed 0.24 in/sec PPV at any sensitive receptor.

Glendale Water and Power ESA

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Date: 4/11/2017

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