

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

DIVISION OF WATER RIGHTS

In the Matter of Wastewater Petition WW0105
Sanitation Districts of Los Angeles County

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

SOURCE: Coyote Creek, thence the San Gabriel River

COUNTY: Los Angeles

WHEREAS:

1. On June 14, 2019, the Sanitation Districts of Los Angeles County (Sanitation Districts) filed Wastewater Change Petition WW0105 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), pursuant to Water Code section 1211. The petition seeks to change the place of use, purpose of use, and quantity of treated wastewater currently discharged to Coyote Creek, thence to the San Gabriel River.
2. Water Code section 1211 requires the owner of a wastewater treatment plant to obtain approval from the State Water Board prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater where changes in the discharge or use of treated wastewater result in decreasing the flow in any portion of a watercourse.
3. The Sanitation Districts' Long Beach Water Reclamation Plant (LBWRP) is a wastewater treatment facility in the City of Long Beach. The LBWRP generates approximately 12.2 million gallons per day (MGD) (5-year average from 2014 through 2018 of discharge volumes) of tertiary treated effluent. Of that effluent, about 6.7 MGD is discharged to Coyote Creek, thence to the San Gabriel River, and about 5.5 MGD is reused. The LBWRP has one discharge point: LB001, which discharges to Coyote Creek prior to its confluence with the San Gabriel River.
4. Reclamation of treated wastewater from the LBWRP for non-potable purposes is currently authorized by the Los Angeles Regional Water Quality Control Board (Los Angeles Regional Water Board) under Order. No. 87-47 and readopted under Order No. 97-072.

5. Discharge of treated wastewater from the LBWRP to Coyote Creek, thence to the San Gabriel River, is currently authorized by the Los Angeles Regional Water Board under Order No. R4-2015-0123, NPDES Permit No. CA0054119.
6. For the purposes of this Order, the State Water Board considers the following information as the Sanitation Districts' existing point of discharge, place of use, and purpose of use of treated wastewater:
 - a. The point of discharge is the following: LBWRP discharge point at California Coordinate System, NAD 83, Zone 5: 1) Discharge Point LB001: Northing 1,749,103.609 feet and Easting 6,534,997.1075 feet, PLSS, Los Alamitos Land Grant;
 - b. There is no current place of use; and,
 - c. There is no current purpose of use.
7. The Sanitation Districts propose to reduce LBWRP discharge from LB001 to Coyote Creek, thence to the San Gabriel River to zero. This reduced flow would be directed to the miscellaneous irrigation projects within the Long Beach Water Department's service area, and to industrial use by local manufacturers.
8. On October 15, 2019, the Division issued a public notice of the petition in accordance with Water Code section 1703. No protests were received.
9. Under the California Environmental Quality Act (CEQA), the Sanitation Districts are the lead agency for preparation of environmental documentation for this project. In 2019, the Sanitation Districts issued a Notice of Preparation and Initial Study for an Environmental Impact Report (EIR) and released a Draft EIR in August 2019. A Final EIR was certified and a Notice of Determination (NOD) was issued in November 2019 (State Clearinghouse No. 2018071021). The State Water Board is a CEQA responsible agency for purposes of considering whether to approve the petition that will allow the Sanitation Districts to proceed with the proposed project. As a CEQA responsible agency, the State Water Board must consider the environmental documentation prepared by the lead agency and any other relevant evidence in the record and must reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).)
10. The State Water Board has considered the Final EIR in deciding whether to approve the petition. The Final EIR considers the potential impacts of reduced flows to the San Gabriel River Watershed. The flow impacts are evaluated in the Final EIR and it is determined that there will be no significant impact to fish, wildlife, or the environment. The State Water Board will issue a NOD within five days of the date of this Order.

11. The State Water Board has reviewed the petition and the entire administrative record, including all associated CEQA documents for the project. The State Water Board finds that the proposed changes in the place of use, purpose of use and quantity of discharge to a watercourse will not cause injury to any other lawful user of the water.
12. In addition to the State Water Board's obligations under CEQA, the State Water Board has an independent obligation to consider the effect of the change on public trust resources and to protect those resources where feasible, and to balance any adverse public trust effects against the benefits of the project. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346].) Based on the State Water Board's review of all relevant evidence in the administrative record, no adverse impacts to public trust resources, including fish and wildlife, are expected as a result of the proposed project.
13. The State Water Board has a Policy for Water Quality Control for Recycled Water (Recycled Water Policy), originally adopted on February 23, 2009 and amended on 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 is to increase the use of recycled water over 2002 levels by at least one million acre-feet per year by 2020, and by at least two million acre-feet per year by 2030. The Sanitation Districts' project, as proposed in the petition, is consistent with the purpose of the Recycled Water Policy and will help California meet the goals of the Recycled Water Policy.
14. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to administer the State Water Board's water rights program to the Deputy Director for the Division of Water Rights. The Deputy Director for the Division of Water Rights has redelegated that authority.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of discharge is unchanged and is located as follows. The Long Beach Water Reclamation Plant (LBWRP) discharge point at California Coordinate System, NAD 83, Zone 5: 1) Discharge Point LB001: Northing 1,749,103. 609 and Easting 6,534,997.1075, PLSS, Los Alamitos Land Grant.
2. The request to change the place of use is approved. The place of use for treated wastewater produced by the LBWRP is within the Long Beach Water Department's service area which includes industrial use by local manufacturers, as shown in Attachment 3 to the petition.

3. The request to change the purpose of use is approved. The purposes of use for treated wastewater produced by the LBWRP are Municipal, Industrial, and Irrigation.
4. The quantity of discharge of treated wastewater from the LBWRP to Coyote Creek, thence to the San Gabriel River, may be reduced to zero, from January 1 to December 31 of each year.
5. Prior to operation of the project, the Sanitation Districts of Los Angeles County (Sanitation Districts) shall obtain any and all necessary federal (including Clean Water Act section 404), state and local agency permits and approvals required for implementation of the project. Copies of such permits and approvals shall be forwarded to the Deputy Director for the Division of Water Rights.
6. The Sanitation Districts are responsible for compliance with any applicable waste discharge or water recycling requirements issued by the Los Angeles Regional Water Board or the State Water Board.
7. The State Water Board reserves jurisdiction in the public interest to implement and amend this Order for conformity with instream flow requirements that may be established for Coyote Creek and the San Gabriel River in the future, and in the event of unforeseen adverse impacts to fish and wildlife resources and other instream beneficial uses. Modifications to this Order shall be made only after notice and opportunity for a hearing.
8. The Sanitation Districts shall file an annual report with the Deputy Director for the Division of Water Rights by March 31 of each year following the year of order issuance that includes at minimum the following information for the previous calendar year:
 - monthly amount of inflow to the LBWRP;
 - daily discharge rate to Coyote Creek, thence to the San Gabriel River in million gallons per day (MGD);
 - daily recycled water delivery rate in MGD; and,
 - monthly total recycled water deliveries.

If identical information is already reported annually to the Regional Board or State Water Board under the requirements of the Recycled Water Policy, the Sanitation Districts may annually notify the Deputy Director for the Division of Water Rights of the submittal and where the information may be found in lieu of filing a redundant annual report under this term.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
SAMUEL BOLAND-BRIEN

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: MAY 29 2020