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BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

IN THE MATTER OF THE PETITION FOR REVIEW OF WISHTOYO FOUNDATION OF ACTION BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, IN APPROVING 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 ISSUED TO CITY OF OXNARD: (File No. 08-070)	PETITION FOR RECONSIDERATION AND REVIEW OF LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ACTION OF ADOPTING ORDER NO. R4-2011-0079-A01

Introduction

In accordance with section 13320, 13260, 13263, 13500 *et seq*., 13522.5, 13523, 13523.1, and 13529 of the California Water Code and sections 3867 and 2050 of Title 23 of the California Code of Regulations, Wishtoyo Foundation ("Petitioner" or "Wishtoyo") hereby petitions the State Water Resources Control Board ("State Board" or "State Water Board") to reconsider and review the July 9, 2015 final decision of the California Regional Water Quality Control Board for the Los Angeles Region ("Regional Board") approving the Water Recycling Requirements ("WRR") and Waste Discharge Requirements ("WDR") for the City of Oxnard Groundwater Recovery, Enhancement, and Treatment Program ("Oxnard GREAT") nonpotable reuse Phase I Project, Order No. R4-2011-0079-A01 ("WRR/WDR" or "Project").

Petitioner seeks State Board review in order to rectify the Regional Board's illegal issuance of a WRR/WDR that fails to ensure the Project will comply with the California Constitution, California Water Code, California's Public Trust Doctrine, and other applicable state laws and regulations. These failures due to 1.) the Regional Board's streamlined and expedited process in drafting and adopting the WRR/WDR that failed to include a sufficiently broad stakeholder group that represented members of the environmental and Native American community concerned with the Ventura County public trust protected waterways the WRR/WDR impacts and the continued supply of water for sustainable agricultural and municipal uses for the region; 2.) the failure of the Regional Board to adequately analyze and ensure, as required by law, that the end uses of water that the WRR/WDR authorizes comply with and adhere to the provisions of the California Constitution and California Water Code that require water to be used reasonably, and not wasted; and 3.) the failure of the Regional

Board to adequately analyze and ensure, as required by the California public trust doctrine, that the WRR/WDR protects, restores, and does not harm the Santa Clara River's public trust protected resources; irreparably harms petitioner, the endangered Southern California Steelhead, the supply of water for sustainable agricultural and municipal uses for the region, and all aquatic, avian, and terrestrial wildlife dependent on sufficient flows in the Santa Clara River, the Santa Clara River's public trust protected ecological, scientific, recreational, and Native American cultural resources and uses.

The Santa Clara River, Unreasonable Use, and Impairments to the Santa Clara's Public Trust Protected Resources[1]

The Santa Clara River ("Santa Clara") and the Santa Clara River downstream from approximately river mile 10.5 through the Estuary ("Reach 1 & 2 of the Santa Clara" or "Santa Clara Reach 1 & 2"), and its native flora and fauna, are in an advanced state of decline. The Santa Clara's Southern California Steelhead ("steelhead") are now federally endangered, as populations have declined from runs of over 9,000 returning adults per year in the 1940's to almost 0 today; the extent and diversity of native riparian vegetation in Reach 1 & 2 of the Santa Clara has been drastically diminished, and is now dominated by herbaceous communities and non native, invasive Arundo donax (giant reed); flow and native riparian plant dependent avian life, including the endangered Least Bell's Vireo, endangered Southwestern Willow Flycatcher, and threatened Western Yellow Billed Cuckoo are, but for infrequent sightings, non existent in

[1] To support all assertions and facts stated in this section of the Petition, Wishtoyo hereby cites to and incorporates by reference the amended Wishtoyo Foundation, Ventura Coastkeeper, Center for Biological Diversity, and Central 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).

Reach 1 & 2 of the Santa Clara; and the Santa Clara's and Reach 1 & 2 of the Santa Clara's populations of other flow dependent species such as the Pacific Lamprey and the Southwestern Pond Turtle are disappearing.

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

Reach 1 & 2 of the Santa Clara's and the entire Santa Clara's state of decline can be traced directly to the state permitted and licensed activities and operations of United Water Conservation District ("United") that result in the diversion of almost all of the Santa Clara's flows in the spring, summer, winter,

and fall outside of large storm events at the Vern Freeman Diversion ("VFD") Dam located approximately at Santa Clara river mile 10.5.

In 1958, the California State Water Resources Control Board ("State Water Board"), granted Permit 11181 to United via Board Decision 884 (or D 884), which, as amended by Board Decision 1129 (or D 1129) in 1963, allows United to divert 104,360 acre-feet2 ("AF") per year from the Santa Clara at the VFD at a maximum rate of 375 cubic feet per second ("CFS"). The late 1940's marked the substantial increase of Santa Clara River withdrawals at the VFD, and the beginning of the decline of flow dependent native flora and fauna, natural cultural resources, recreational opportunities, and endangered steelhead in Reach 1 & 2 of the Santa Clara and the entire Santa Clara. The issuance of Permit 11181 allowed United to continue the magnitude of surface water withdraws at the VFD that began in the 1940s. In 1973, without modifications to protect the Santa Clara's public trust resources, United's Permit 11181 was perfected into State Water Board License 10173 ("License").

In 1983, the State Water Board granted Permit 18908 to United via Decision 1586, as modified by Board Order WR 87-8 ("Permit"). Permit 18908 was issued to allow United to divert an additional 40,000 acre-feet per year at the VFD of post storm event rainy season flows upon completion of the concrete VFD Dam that presently spans the width of the Santa Clara at river Mile 10.5. The concrete VFD Dam was completed in 1991 to replace the earthen dam utilized by United and its predecessors since the 1920's.

Once diverted at the VFD, United delivers the Santa Clara's flows directly to municipal and agricultural end users, including Pleasant Valley County Water District ("PVCWD"), and to spreading grounds to artificially recharge the Oxnard Plain groundwater basins ("Basin(s)" or "Oxnard Plain Basins") at an accelerated rate. The Basins exhibit a definitive hydrological connection to the

Santa Clara River, as the quantity of water diverted by United at the VFD to recharge the Basins dictates flows in Reach 1 & 2 of the Santa Clara. Once Santa Clara River flows enter the Basins, the Santa Clara's water is managed and controlled by Fox Canyon Groundwater Management Agency ("FCGMA").

United's and FCGMA's use and management of Santa Clara flows are unreasonable and wasteful, as United and FCGMA allow the Santa Clara's flows to be used for agricultural and municipal uses that are not sustainable for the region; do not require or adequately incentivize their agricultural, municipal, and industrial end users to implement best available efficiency and conservation practices; and do not adequately incentivize or ensure the feasible use of reclaimed or new water to offset diversions of flow from the Santa Clara.

Specifically, United and Fox Canyon are unreasonably using, managing, and wasting water diverted from the Santa Clara to the detriment of the Santa Clara's public trust protected resources and in violation of the public trust doctrine, and in violation of the reasonable use provisions of the California Constitution Article X Section 2 and Section 275 of the California Water Code, by failing to implement the following practical measures:

> (a) altering end user water pricing structure to realize and encourage conservation; (b) requiring or adequately incentivize its end users to implement best available water efficiency and conservation measures; (c) providing its end users with free or aggressively subsidized water conservation and efficiency devices and technology; (d) providing its end users with significant rebates for agricultural and municipal irrigation efficiency evaluations and implementation of water efficiency and conservation measures; (e) providing subsidies to adequately incentivize delivery of available and adequately treated reclaimed wastewater to surface water delivery and or Basin recharge infrastructure within United's

and FCGMA's services areas as contained within the Basins; (f) providing subsidies for the use of reclaimed water by its end users; (g) preventing extraction of groundwater from the Oxnard Plain Basins and preventing diversions of Santa Clara River flows in excess of a safe yield that is protective of the Basins and the Santa Clara River's in-stream flow dependent public trust resources; (h) limiting provision of water to its end users to an amount that is reasonable and necessary to provide for sustainable agricultural crops and sustainable municipal and industrial water uses in the region; and (i) incorporating a sufficient conservation surcharge in its water pricing to finance water supply projects, including, but not limited to, end user water conservation and efficiency technology provision projects, water import and water rights acquisition projects, water reclamation projects, water treatment projects, and or a project to divert, store, infiltrate, and deliver high flows at the Vern Freeman Diversion ((a) - (i) altogether hereinafter "Practical Measures").[2]

These Practical Measures would reduce the need for United to divert Santa Clara River flows, encourage and mandate conservation of water by United's and FCGMA's end users, and would discourage waste of Santa Clara River water diverted at United's Vern Freeman Diversion Dam.

Pleasant Valley County Water District ("PVCWD") directly receives Santa Clara River flows diverted by United at the VFD Dam through the Pleasant Valley Pipeline. PVCWD also indirectly receives Santa Clara River flows diverted by United at the Vern Freeman Diversion Dam through pumping water

[2] Wishtoyo Foundation, Ventura Coastkeeper, Center for Biological Diversity, and Central Coast Alliance United for a Sustainable Economy seek to redress United's and FCGMA's violations of the public trust doctrine, California Fish and Game Code Section 5937, and the reasonable use provisions of the California Constitution Article X Section 2 and Section 275 of the California Water Code, through its amended Complaint filed with the State Board on March 25, 2015.

from the FCGMA Basin's recharged by Santa Clara River flows diverted by United at the VFD Dam. As a recipient of Santa Clara River flows diverted by United, PVCWD is also violating the California Public Trust Doctrine and the reasonable use provisions of the California Constitution Article X Section 2 and Section 275 of the California Water Code, by failing to implement these Practical Measures.

While United's, FCGMA's, and PVCWD's practices may otherwise be reasonable in a region with rivers that contain sufficient year round in-stream flows notwithstanding diversions, and with groundwater basins that recharge at the rate of extraction, United, FCGMA, and PVCWD are operating in the depleted Oxnard Plain Basins[3] in the arid Santa Clara River watershed where United's artificial recharge of the Basins that FCGMA has allowed to be over pumped for 30 years[4], and United's excessive delivery of Santa Clara River water

[3] Five of the seven groundwater basins within the Fox Canyon managed Basins are ranked as either "high" or "medium" priority by the 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) program, which prioritizes the need for action in groundwater basins based on the regional reliance, impacts, and threats to groundwater basins. (California Water Foundation Report on Seawater Intrusion and Other Issues in Central Coast, CA ("Foundation Report") at 17 (See Appendix R.1 of the Complaint); See Appendix R.2 of the Complaint for CASGEM Rankings.) CASGEM ranks the Oxnard Basin as the second highest priority in the California. (*Id.*) The high or medium CASGEM ranking for the majority of the groundwater basins in the Fox Canyon Basins highlights the importance of implementing measures to ensure the sustainability of the region's groundwater sources. (Foundation Report at 17; Appendix R.1 - R.2. of the Complaint)

[4] As provided in the Complaint, The FCGMA managed Basins are in danger of being mined to depletion, as they are in a constant state of overdraft. Year after year, unreasonable water use permitted by FCGMA has resulted in excessive groundwater pumping and an overdraft far beyond FCGMA's initially estimated safe-yield of 100,000 AF per year for the Basins. FCGMA has admitted that its estimated safe-yield determination is inaccurate and incomplete, and thus the over-extractions may be more significant than estimated by FCGMA. (June 25, 2014 FCGMA Board Meeting recording at 1:01:41 - 1:03:03 (available at: http://ventura.granicus.com/MediaPlayer.php?view_id=45&clip_id=3607(last visited, March 22, 2015); May 28, 2014 FCGMA Board Meeting, Item 5, FCGMA Staff Memo at 2; January 28, 2015 FCGMA Board Meeting, Item 3A: FCGMA – List of Possible Solutions with Advantages and Disadvantages at 2-5; See Appendix M to Complaint.) This over-extraction of groundwater from the Basins by FCGMA end-users is causing severe harms including: reduced sustainability of the groundwater supplies; seawater intrusion, which results in degradation of Basin water quality; and land subsidence, which threatens to inundate and contaminate agricultural land with seawater. The continuous overdraft of the FCGMA managed Basins beyond the 100,000 AF/Year estimated safe yield has not been caused by drought conditions. (March 26, 2014 FCGMA Board Meeting, Agenda Item 1, FCGMA Staff Power Point Presentation, Figure 4 at 10; April 11, 2014 FCGMA Board Meeting Minutes at 2, 3, 5 (See Appendix Q of the Complaint).) The long-term sustainability of the Basins is threatened as long as FCGMA continues to allow groundwater withdrawals above a sustainable safe yield. Although FCGMA has not recently determined a current safe yield for the groundwater Basins in its jurisdiction, FCGMA has admitted that it has allowed groundwater

directly to end users, unnecessarily deprives the Santa Clara of in-stream flows needed to sustain its public trust protected resources.

The decline of the Santa Clara's and Reach 1 & 2 of the Santa Clara's native birds, riparian vegetation, steelhead, lamprey, and recreational, natural, and cultural resources, are the result of the inadequate water rights permits and license issued, maintained, and administered by the State Water Board, and the State Water Board's, Regional Water Board's, United's, FCGMA's, and PVCWD's failure to take action as required by law to protect the Santa Clara's public trust resources and to prevent unreasonable use, and method of use, of water.

The WRR/WDR, Oxnard GREAT, and the Pleasant Valley County Water District

The regulatory approvals which are the subject of this petition threaten to adversely impact the Santa Clara River's public trust protected uses and resources, including a multitude of federally and state listed endangered species dependent upon an ecologically healthy Santa Clara River. Order No. R4-2011-0079-A01 was first adopted and issued to the City of Oxnard by the Regional Board on February 28, 2011. On July 9, 2015, Order No. R4-2011-0079-A01 was amended by the Regional Board to permit PVCWD to receive recycled water from the City's Oxnard GREAT Project in 2017 for the stated purpose of

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extractions of more than the 2007 estimated safe yield of 100,000 AF/yr for at least the past 30 years. (March 26, 2014 FCGMA Board Meeting, Agenda Item 1, FCGMA Staff Power Point Presentation, Figure 4 at 10; April 11, 2014 FCGMA Board Meeting Minutes at 2,3, 5; February 25, 2015 FCGMA Board Meeting, Agenda Item 7, FCGMA Staff Power Point Presentation at 9; See Appendix Q of the Complaint.) The drought that commenced in 2013 and that is persisting into 2015 is not the cause of Basin overdraft. The total volume of extractions from the Basins in 2013 was approximately twenty-five percent above the "long-term average," and total groundwater extraction in 2013 was the highest it has been since 1990, at 151,641 AF/yr. (August 27, 2014 FCGMA Board Meeting Minutes at 1-3; 2013 FCGMA Annual Report at 7; See Appendix Q of the Complaint.) This continuing unsustainable practice of allowing water to be extracted in excess of the estimated safe yield, and likely the actual scientifically validated safe yield yet to be developed, threatens the sustainability of long-term groundwater supplies in the region.

offsetting the loss of agricultural water due to the extended drought. Order No. R4-2011-0079-A01 imposes Water Recycling Requirements, Waste Discharge Requirements, and other requirements, terms, and conditions, none of which consider or mandate reasonable use of recycled water generated by Oxnard GREAT in accordance with the reasonableness requirements of the California Constitution and Water Code, and none of which consider or mandate the protection or restoration of the Santa Clara River's public trust protected resources as required by the California public trust doctrine, the California Constitution, and the California Water Code.

Oxnard GREAT receives the water it recycles primarily from United and FCGMA end users who discharge Santa Clara's flows as waste water to the City of Oxnard's sewage system. The amount of water supplied by Oxnard GREAT to water users in the Santa Clara River watershed, whom would otherwise obtain Santa Clara River water directly[5] or indirectly[6], must be used reasonably, and in a manner that helps protect and restore the Santa Clara River's in-stream flow dependent public trust resources, and groundwater levels in the Oxnard Plain basin needed for the region's sustainable municipal and agricultural uses. These two objectives must be accomplished by the State: 1.) conditioning its approval of uses of Oxnard GREAT Recycled Water in a manner consistent with the reasonable water use provisions of the California Constitution and California Water Code, 2.) mandating that recipients of Oxnard GREAT water reduce the amount of Santa Clara River water permissibly extracted from the Basins and received from United by the amount of recycled Oxnard GREAT Water received,

[5] Water users in the Oxnard Plain obtain Santa Clara River flows diverted by United directly from the Santa Clara River.

[6] 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.

and 3.) mandating that for all reclaimed new water supplied by Oxnard GREAT to end users in the Oxnard Plain, that United allow an equivalent additional amount of Santa Clara flows, beyond what it currently allows, to pass by the Vern Freeman Diversion Dam and flow downstream.

United delivers flows it diverts from the Santa Clara River directly to Pleasant Valley County Water District ("PVCWD"), and PVCWD and its end users also obtain water via pumping groundwater in the Oxnard Plain Groundwater basins managed by FCGMA. Because United delivers flows it diverts from the Santa Clara River directly to PVCWD via the Pleasant Valley Pipeline, the California Public Trust Doctrine, Article X Section 2 of the California Constitution, and Section 275 of the California Water Code require that the WRR/WDR include terms and conditions that 1.) ensure PVCWD end users use the recycled water provided by Oxnard GREAT water reasonably and that 2.) reduce the amount of water PVCWD permissibly extracts from the Basins and receives from United by the amount of recycled Oxnard GREAT Water received.

In addition, if the WRR/WDR authorizes provision of Oxnard GREAT recycled water to PVCWD, the California Public Trust Doctrine, Article X Section 2 of the California Constitution, and Section 275 of the California Water Code require the State Board to decrease the amount of Santa Clara flows United it is permitted to divert under its Permit and License by the amount of water that Oxnard GREAT provides to PVCWD.

1. NAME AND CONTACT INFORMATION OF PETITIONER

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2. THE ACTION OR INACTION OF THE REGIONAL BOARD BEING PETITIONED INCLUDING A COPY OF THE ACTION BEING CHALLENGED AND OF ANY DOCUMENT ISSUING CERTIFICATION THAT IS REFERRED TO IN THE PETITION:

Petitioner seeks review of the Regional Board's July 9, 2015 approval of the Water Recycling Requirements ("WRR") and Waste Discharge Requirements ("WDR") for the City of Oxnard Groundwater Recovery, Enhancement, and Treatment Program ("Oxnard GREAT") nonpotable reuse Phase I Project ("Project"), Order No. R4-2011-0079-A01 ("WRR/WDR") issued to the City of Oxnard (File No. 08-070). A copy of the Order is attached to this petition.

3. THE DATE ON WHICH THE REGIONAL BOARD ACTED:

July 9, 2015.

4. A STATEMENT OF POINTS AND AUTHORITIES FOR ANY LEGAL ISSUES RAISED IN THE PETITION, INCLUDING CITATIONS TO DOCUMENTS THAT ARE REFERRED TO [7]

A.) Citations to Documents Referred to

Wishtoyo and its Ventura Coastkeeper Program hereby incorporate the amended Complaint Filed with the State Water Board on March 25, 2015 and provided to the Regional Board at the July 9, 2015 Public Hearing on the WRR/WDR, and all of the publically available documents and government records cited to and included in the Complaint.[8]

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[7] To support all assertions and facts stated in this section of the Petition, Wishtoyo hereby cites to and incorporates by reference the amended Wishtoyo Foundation, Ventura Coastkeeper, Center for Biological Diversity, and Central 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).

[8] 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.

B.) Statement of Points and Authorities for Legal Issues Raised in the Petition

The State Water Board is a California agency created under the laws and regulations of the state of California and is charged with the management of California's surface and subsurface water rights and resources. The State Water Board has an ongoing and continuous duty to protect and manage California's water, rivers, and to regulate the permits and licenses for water use that it issues in a manner consistent with the Public Trust Doctrine, California Water Code, California Constitution and the California Fish and Game Code. It must take action in executive, legislative, and judicial forums to ensure that the management of California's water is reasonable, does not contribute to water waste, and protects the in-stream flow dependent public trust uses of the State's rivers and streams, including those of the Santa Clara River. (*California Water Code* §§ 100, 275; California Constitution, Article X, section 2; *Nat'l Audubon Soc'y v. Superior Court* (1983) (*"Audubon")* 33 Cal. 3d 419, 443; *Imperial Irr. Dist. v. State Water Res. Control Bd.* (1990) 225 Cal. App. 3d 548, 554-562; Cal. Admin. Code, tit. 23, §§ 855-856.) The Unreasonable use and waste provisions of Article X, section 2 of the California Constitution, and the State Water Board's duty and authority to enforce Article X, section 2, apply to the use of all water. (*Peabody v. City of Vallejo* (1935) 2 Cal.2d at 367, 372; *Anderson Farms Company* (Oct. 20, 1977) California State Water Resources Control Board Decision No. 1474, at 2; (*Wright v. Goleta Water Dist.* (1985) 174 Cal.App.3d 74, 87.)

Legal Protections for the Santa Clara's Public Trust Protected Resources

The Public Trust Doctrine

The Public Trust Doctrine establishes that the waters and wildlife of the state belong to the people, and that the state acts as a trustee to manage and protect these resources and their associated public uses for its peoples' benefit. (*Audubon*, 33 Cal. 3d at 437, 441-449.) The Santa Clara River, Reach 1 & 2 of the Santa Clara, and the Estuary are navigable waters that contain resources protected by the California Public Trust Doctrine. Public trust protected resources and uses in the Santa Clara River, Reach 1 & 2 of the Santa Clara, and the Estuary include navigation via recreational craft; kayaking; inner-tubing; a right to take fish and go fishing; the presence of wild native fish, including steelhead and pacific lamprey; the presence of the Santa Clara's native riparian vegetation; the presence of flow and native riparian habitat dependent native bird populations, including Least Bell's Vireo, Southwestern Willow Flycatcher, Western Yellow Billed Cuckoo; native fish and wildlife habitat; adequate steelhead and pacific lamprey passageways and migration corridors; aesthetic enjoyment; scenic views; bathing; swimming; preservation for scientific study, open space, and ecological use; and protection of wildlife ("Ecological and Recreational Public Trust Protected Resources"). (*Audubon*, 33 Cal. 3d at 437, 441-449.)

The public trust doctrine also protects the Santa Clara River's natural cultural resources that indigenous Chumash Native American Peoples utilize to sustain their life ways and cultural practices. These uses include, but are not limited to, Chumash traditional practices of: harvesting native fish; harvesting willow and native riparian vegetation for basketry, dwelling unit construction (Aps), or for ceremonial use; harvesting river rocks submerged in flowing waters for ceremonial sweats; navigating in traditional crafts; and engaging in ceremonial practices along side a flowing Santa Clara to maintain religious and

spiritual practices and ties to native birds, fish, plants, and buried ancestors ("Chumash Cultural Public Trust Protected Resources")

The public trust doctrine imposes on the State Water Board an affirmative duty to take the public trust into account in the allocation of water resources, to conduct ongoing supervision of water use, and to protect public trust uses "whenever feasible" in water rights matters, regulatory decisions, and from actions by private entities, government agencies, and individuals (*Nat'l Audubon Soc'y v. Superior Court*, (1983) 33 Cal.3d 419, 446). Thus, the State Water Board has a duty under the Public Trust Doctrine to manage and protect the public trust uses of the state's navigable waters from surface water diversions, such as United's VFD through various physical solutions, including leaving water in-stream even when new reclaimed water, like the water from Oxnard GREAT, is not made available. (*Audubon*, 33 Cal. 3d at 437, 441-449.) When groundwater is so connected to the navigable water that its extraction adversely affects public trust uses, the State Water Board, and California state agencies managing the groundwater extractions, also have a duty to consider the effect of the groundwater extractions upon interests protected by the public trust, and so far as feasible, to avoid or minimize any harm to those interests. (Order After Hearing on Cross Motions for Judgment on the Pleadings at 2, *Envtl. Law Found. v. State Water Res. Control Board* (Jul. 15, 2014) No. 34-2010-80000583; *Nat'l Audubon Soc'y*, 33 Cal. 3d 419, 426; *Fishery Prot. and Water Right Issues of Lagunitas Creek* (Oct. 26, 1995) California State Water Board Order No. WR 95-17 at 28-29.)

PVCWD, Oxnard GREAT, the Regional Board, United, and FCGMA are all required to consider the impact of their operations and management practices on the Santa Clara's in-stream flow dependent public trust protected uses, and implement feasible measures to protect these uses. (*Id*.) Because the State Water

Board has an ongoing and continuous duty to protect the trust uses of navigable waters, the State Water Board is tasked with considering the WRR's/WDR's impact on, and ability to restore and protect, the Santa Clara's public trust resources, and ensuring that United, FCGMA, PVCWD, and the Regional Board meet their obligations to protect the Santa Clara's public trust resources. (*Id*.; *Audubon*, 33 Cal. 3d at 437, 440-441.)

California Constitution and California Water Code Requirements to Ensure Reasonable Use of Water

Article X, Section 2 of the California Constitution provides that "because of conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare." (Cal. Const. Art. X, § 2., Cal. Water Code § 100.) The California Water Code provides that the State Water Board is required to take all appropriate actions to prevent unreasonable use and violations of the California Constitution and California Water Code. (Cal. Water Code § 275.)

The State Water Board's requirement to enforce Article X, section 2's limitations and prohibitions to prevent waste or unreasonable use apply to the use of all water by all water users, including use by local water management agencies. (*Peabody v. City of Vallejo* (1935) 2 Cal.2d at 367, 372; *Imperial Irrigation Dist. v. St. Wat. Res. Control Bd.* (1986) 186 Cal. App. 3d 1160, 1163; *see also Miller & Lux v. San Joaquin Light & Power Corp.* (1937) 8 Cal.2d 427, 435.)*; see also Mono Lakes Basin Water Right Decision*, (Sept. 28, 1994)

California State Water Resources Board Decision 1631 at 11[holding: "[a]ll … use of water in California [is] subject to the mandate of Article X, Section 2 of the California Constitution to maximize the beneficial use of water and to prevent [ ] waste or unreasonable use.")

The California Water Code provides that local custom may be considered as one factor in determining the reasonableness of water use, but is not determinative in determining whether a particular use is unreasonable or wasteful. (California Water Code § 100.5; *In the Matter of Alleged Waste and Unreasonable Use of Water by Imperial Irrigation District* (June 22, 1984) California State Water Board Decision No. 1600 at 28.) Further, "[w]hat is a [reasonable] beneficial use at one time may, because of changed conditions, become a waste of water at a later time," such as in an area experiencing great water scarcity and need. (*Tulare Irrigation Dist. v. Lindsay-Strathmore Irrigation Dist.* (1935) 3 Cal. 2d 489, 567; *Envtl. Def. Fund, Inc. v. East Bay Mun. Util. Dist.* (1977) 20 Cal.3d 327, 332.)

The use of water for recreation and preservation and enhancement of fish and wildlife resources is a beneficial use of water. (Cal. Water Code §1243.) In its determination of reasonable use, the State Water Board is required to consider the amounts of water required for recreation and preservation and enhancement of fish and wildlife resources and needed to remain in the source for the protection of beneficial uses. (*Id*.; *United States v. State Water Res. Control Bd.* (1986) 182 Cal.App.3d 82, 103-04) (holding that the State Water Board had the authority to modify existing permits for diversion and to curtail use of water to protect environmental resources and recreational uses under Article X, Section 2 of the California Constitution, and that "[n]onconsumptive or instream uses too, are expressly included within the category of beneficial uses to be protected in the public interest"; *Fishery Prot. and Water Right Issues of Lagunitas Creek,*

(Oct. 26, 1995) California State Water Board Order No. WR 95-17 at 14 (holding that the State Water Board may properly find a method of diversion unreasonable where a feasible alternative exists to prevent harms to other uses of water including instream public trust protected uses.) A particular beneficial water use may be determined to be unreasonable based on its impact on fish, wildlife or other in-stream beneficial uses. (*Id*.) Thus, ensuring that the waters of the state be put to the greatest possible beneficial use to protect fish, wildlife, and other in-stream beneficial uses, can require that conservation measures be implemented or that water is used in-stream despite the additional cost. (*Id*.; *Brydon v. E. Bay Mun. Util. Dist.* (1994) 24 Cal.App.4th 178, 202; *People ex. rel. State Water Res. Control Bd. v. Forni*, 54 Cal.App.3d 743, 755-56 (1976) (holding that riparian water right holders' use of low winter flows to avoid frost damage, which resulted in temporary water shortages was unreasonable when they could construct reservoirs to hold the required water despite the fact that this would require them to invest in construction costs.)

When evaluating alleged instances of waste and unreasonable use, the Board has traditionally considered the totality of the circumstances and weighed a variety of these seven factors:

(1) whether other beneficial uses could be made of the water that could be conserved;

(2) whether the excess water now serves a reasonable and beneficial purpose;

(3) the probable economic, environmental, and other benefits that would result from more efficient use of water, which may offset a portion of the costs of additional conservation methods;

(4) the amount of water reasonably required for current use;

(5) the amount and reasonableness of the cost of imposing additional water

conservation methods;

(6) whether the required methods of water conservation are conventional and reasonable rather than extraordinary; and

(7) the availability of a physical plan or solution. (John Kramer & Kenneth Turner, *Prevention of Waste or Unreasonable Use of Water: The California Experience* (1980) 1 Agric. L.J. 519, 533; *Imperial Irrigation Dist.* (June 22, 1984) California State Water Board Decision No. 1600 at 20-29; *see also Hidden Lakes Estates Homeowners Ass'n* (Feb. 7, 2012) State Water Board Order No. WR 2012-0004 at 6, 7-16.)

(*In the Matter of Alleged Waste and Unreasonable Use of Water by Imperial Irr. Dist.*, (June 1984) California Water Resources Control Board Decision No. 1600.) "Although not all of these factors will apply or apply equally in every case, they provide guidance in determining whether a particular use is wasteful and unreasonable in light of the constitutional mandate to avoid such uses." (*Hidden Lakes Estates Homeowners Ass'n*, at 6 (Feb. 7, 2012) State Water Resources Control Board Order No. WR 2012-0004.)

The State Water Board's Ability and Affirmative Duty to Ensure Reasonable Use of Water, the Protection of the Oxnard Plains Water Supplies, and the Protection of the Santa Clara River's Public Trust Protected Uses

"It requires no extraordinary foresight to envision the great and increasing population of the state and its further agricultural and industrial enterprises dependent upon stored water... the conservation of the waters of the state is of transcendent importance. Its waters are the very life blood of its existence. The police power is an attribute of sovereignty and is founded on the duty of the state to protect its citizens and provide for the safety, good order and well-being of

society. It is coextensive with the right of self-preservation in the individual." (*Gin S. Chow v. City of Santa Barbara*, (1933) 217 Cal. 673, 702.)

Article X, Section 2 of the California Constitution and Section 275 of the California Water Code have been held to impose an affirmative duty on the State Water Board to ensure the reasonable use of water, to prevent its misuse, and to include the imposition of increased costs of water in the interest of conservation. (*Brydon v. E. Bay Mun. Util. Dist.* (1994) 24 Cal.App.4th 178, 202; *In the Matter of the Alleged Waste and Unreasonable Use of Water by Imperial Irr. Dist.* (June 21, 1984). State Water Resource Control Board, Decision No. 1600 at *9.) The State Water Board is tasked with taking "all necessary action in executive, legislative, and judicial forums" to enforce these provisions of the California Constitution, and has a continuing duty to protect public trust resources associated with navigable and tidal waterways whenever feasible, and the authority to reconsider terms and conditions of past allocation decisions to protect public trust resources and to prevent waste, unreasonable use, unreasonable method of use, and unreasonable method of diversion of water. (*Imperial Irr. Dist. v. State Water Res. Control Bd.* (1990) 225 Cal. App. 3d 548, 555.)

The California Constitution also requires that, "the State's water resources be put to beneficial use to the fullest extent to which they are capable." (*In the Matter of Fishery Ress. and Water Right Issues of the Lower Yuba River* 2003 WL 25921098, at *16) "[T]he overriding constitutional consideration is to put the water resources of the state to a reasonable use and make available for the constantly increasing needs of all the people. (*Forni*, 54 Cal.App.3d 743, 751-52) Thus, as part of its enforcement authority, the Board must impose injunctions requiring water management agencies to impose conservation and efficiency measures on end-users or implement reasonable methods of diversion to protect

public trust uses and to prevent unreasonable use and waste of water. (*Imperial Irr. Dist. v. State Water Res. Control Bd.* (1990) 225 Cal.App.3d 548, 561-62; *People ex rel. State Water Res. Control Bd. v. Forni* (1976) 54 Cal. App. 3d 743, 750.) Where there are impending water shortages that are reasonably certain to exist, the reasonableness provision of the California Constitution requires that water providers impose measures intended to increase water conservation, and to initiate steps immediately which will assist in alleviating the shortage. (*Brydon v. E. Bay Mun. Util. Dist.* (1994) 24 Cal.App.4th 178, 202); *In the Matter of the Alleged Waste and Unreasonable Use of Water by Imperial Irr. Dist.* at *13 (June 21, 1984).)

In determining the reasonableness of the cost of implementing water conservation measures, the Board considers the value of the water that would be conserved, the cost of implementing the conservation measure, and the resources available for financing the measures. (*In the Matter of Waste and Unreasonable Use of Water By Imperial Irrigation District (Sept. 7 1988)* California State Water Board Order WR 88-20 at 4, 17, 29-31, 36.) The mere fact that water conservation measures may require the water user to incur additional expenses does not justify the continued unreasonable use of water. (*People ex rel. State Water Res. Control Bd. v. Forni* (1986) 54 Cal.App.3d 743, 751-52.) The reasonable use doctrine therefore requires water users to "endure some inconvenience or to incur reasonable expenses" in order to put water to maximum beneficial use. (*Id*.)

5. A STATEMENT OF THE REASONS THE ACTION WAS INAPPROPRIATE OR IMPROPER:

In approving the WRR/WDR, the Regional Board failed to act in accordance with relevant governing law, acted arbitrarily and capriciously,

without substantial evidence, and without adequate findings. Specifically, but without limitation, the Regional Board:

A.) Acted arbitrarily and capriciously because the findings are not supported by the weight of the evidence in the administrative record, and the administrative record does not support the ultimate decision adopting the WRR/WDR, thus, resulting in an abuse of discretion. (*See id.*; Cal. Civ. Proc. Code § 1094.5.)

During the July 9, 2015 Regional Board hearing, Wishtoyo's testimony before the Regional Board alerted the Regional Board through testimony that:

> Water supplied by Oxnard GREAT to agricultural and municipal end users in the Oxnard Plain should be used (1) reasonably, (2) in a manner that stops years of severe overdraft of the Oxnard Plain aquifers by mandating more water is left in the Oxnard Plain groundwater basins, and (3) to help achieve protection of the Santa Clara River's in-stream flow public trust protected resources, and not to perpetuate: decades of unnecessary harm to these resources and the communities up and down the Santa Clara River; unreasonable use of the Santa Clara River in the Oxnard Plain; and unsustainable water resources management that has run contrary to legislative mandates and state and federal law.

In addition, Wishtoyo informed the Regional Board through testimony that:

(1) The WRR/WDR fails to mandate that the Oxnard GREAT recycled water be used reasonably for uses that are sustainable for the arid Oxnard Plain region and that adhere to best available municipal and agricultural efficiency and conservation requirements. The reasonable water use provisions and waste prohibitions of Art. X, §2 of the California Constitution require that the WRR/WDR contain provisions that ensure that Oxnard GREAT water delivered to

PVCWD and other water users is used reasonably and not wastefully. PVCWD and other Oxnard Plain end users are growing water intensive crops that are not sustainable for the region, and have otherwise not implemented best available water efficiency and conservation practices.

(2) The WRR/WDR fails to consider and protect the Santa Clara River's ecological, recreational, and Native American cultural public trust protected in-stream flow dependent resources harmed by United Water Conservation District's ("United's") diversion of Santa Clara River flows that dewaters the Santa Clara River outside of periods during or immediately after significant precipitation events or years with much greater than average precipitation in the watershed. Recycled water provided by Oxnard GREAT is derived from discharges from United and Fox Canyon Groundwater Management Agency ("FCGMA") end users who receive the Santa Clara River's flows diverted by United at the Vern Freeman Diversion Dam located at Santa Clara River mile 10.5. The public trust doctrine and the reasonable water use provisions of Art. X, §2 of the California Constitution require the State to consider and ensure, so far as feasible, that the amount of water supplied by Oxnard GREAT to water users in the Santa Clara River watershed, whom would otherwise obtain Santa Clara River water directly from United or indirectly from groundwater extractions from FCGMA basins, be used in a manner that helps protect the Santa Clara River's in-stream flow dependent public trust resources. This could be accomplished by the State mandating that for all reclaimed new water supplied by Oxnard GREAT to end users in the Oxnard Plain, that United allow an equivalent additional amount of Santa Clara flows, beyond what it currently allows, to pass by the Vern Freeman Diversion Dam. Thus, because United delivers flows it diverts from the Santa Clara River directly to PVCWD, the WRR/WDR should require United to decrease the amount of Santa Clara flows it diverts by the amount of water that Oxnard GREAT provides to PVCWD.

(3) The Water recycling requirements in the Oxnard GREAT WRR/WDR Amendment pertaining to the use of Oxnard GREAT water are properly before the State Water Board, not the Regional Board. The State Water Board is the state agency tasked with administration of water rights, ensuring reasonable water use under

> the California Constitution, protecting in-stream flow dependent public trust resources, and with resolving Wishtoyo Foundation's, Ventura Coastkeeper's, Center for Biological Diversity's, and CAUSE's public trust, unreasonable use, and unreasonable method of diversion complaint against United, FCGMA, and the State Water Board ("Complaint"). The provision of recycled water to end users in the Oxnard Plain, in lieu of end users using Santa Clara River's flows needed to sustain and protect the River's in-stream flow dependent protected public trust resources, is part of the remedy and physical solution the Complaint requests. (see Transcript of July 9, 2015, not available as of July 10, 2015.)

To support this testimony, Wishtoyo provided its Complaint on a CD that was reviewed by the Regional Board staff attorney, and is on file with the State Water Resources Control Board. In addition, support for the severe overdraft of the Oxnard Plain aquifers managed by FCGMA and the perpetuation of unnecessary harm to the FCMGA groundwater basins caused by FCGMA's unsustainable water resources management, is also publically available information released by FCGMA and that is known to the State, Regional Board, and general public. (See footnotes 1 -4 *ante*).

The Regional Board acted arbitrarily and capriciously (1) because the Regional Boards not ensuring and requiring that PVCWD's and all uses of Oxnard GREAT Recycled Water are reasonable, as defined and required by Article X, Section 2 of the California Constitution and Section 275 of the California Water Code, are not supported by the weight of the evidence in the administrative record; (2) because the administrative record does not support the ultimate decision adopting the WRR/WDR without conditions that ensure and require that PVCWD's, and all uses of Oxnard GREAT Recycled Water, are reasonable as defined and required by Article X, Section 2 of the California Constitution and Section 275 of the California Water Code; (3) because the

Regional Board not ensuring and requiring, as mandated by the California Public Trust Doctrine, that recipients of Oxnard GREAT water reduce the amount of Santa Clara River water permissibly extracted from the Basins and received from United by the amount of recycled Oxnard GREAT Water received, is not supported by the weight of the evidence in the administrative record; and (4) because the administrative record does not support the ultimate decision adopting the WRR/WDR without conditions that ensure and require, as mandated by the California Public Trust Doctrine, that recipients of Oxnard GREAT water reduce the amount of Santa Clara River water permissibly extracted from the Basins and received from United by the amount of recycled Oxnard GREAT Water received. Thus, in adopting the WRR/WDR, the Regional Board abused its discretion.

B.) Failed to respond adequately to factually and legally specific comments from Wishtoyo concerning the requirement to condition the WRR/WDR as required by the California Constitution, California Water Code, and California Public Trust Doctrine, and failed to condition the WRR/WDR as required by the California Constitution, California Water Code, and California Public Trust Doctrine.

As provided in this Petition, in approving the WRR/WDR, the Regional Board failed to act in accordance with relevant governing law, acted arbitrarily and capriciously because it failed to condition its approval of uses of Oxnard GREAT Recycled Water in a manner consistent with the reasonable water use provisions of the California Constitution and California Water Code, and 2.) failed to mandate, as required by the public trust doctrine, that recipients of Oxnard GREAT water reduce the amount of Santa Clara River water permissibly

extracted from the Basins and received from United by the amount of recycled Oxnard GREAT Water received.

United delivers flows it diverts from the Santa Clara River directly to Pleasant Valley County Water District ("PVCWD"), and PVCWD and its end users also obtain water via pumping groundwater in the Oxnard Plain Groundwater basins managed by FCGMA. Because United delivers flows it diverts from the Santa Clara River directly to PVCWD via the Pleasant Valley Pipeline, the California Public Trust Doctrine, Article X Section 2 of the California Constitution, and Section 275 of the California Water Code require that the WRR/WDR include terms and conditions that 1.) ensure PVCWD end users use the recycled water provided by Oxnard GREAT water reasonably and that 2.) reduce the amount of water PVCWD permissibly extracts from the Basins and receives from United by the amount of recycled Oxnard GREAT Water received.

In addition, the Regional Board acted in conditioning and approving the WRR/WDR in these respects without evidence in the record to support its actions and inactions. (Cal. Civ. Proc. Code § 1094.5.) Order No. R4-2011-0079-A01 imposes Water Recycling Requirements, Waste Discharge Requirements, and other requirements, terms, and conditions, none of which consider or mandate reasonable use of recycled water generated by Oxnard GREAT in accordance with the reasonableness requirements of the California Constitution and Water Code, and none of which consider or mandate the protection or restoration of the Santa Clara River's public trust protected resources as required by the California public trust doctrine. These failures highlight the considerable negative impacts on Petitioner's members and the environment that will occur as a result of the Regional Board's failure to issue a WRR/WDR that protects and restores the Santa Clara River's public trust protected resources, and that ensures the

provision of a secure water supply for the regions sustainable agricultural and municipal needs.

6. HOW THE PETITIONER IS AGGRIEVED:

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

Petitioner's members are aggrieved by the WRR's/WDR's inadequacy and, thereby, the Project's failure to protect and restore the Santa Clara River's public trust protected uses, including but not limited to its in-stream flow dependent public trust uses relating to: the survival and recovery of the endangered Southern California Steelhead, Least Bell's Vireo, endangered Southwestern Willow Flycatcher, and threatened Western Yellow Billed Cuckoo; the ability of the public and our members to recreate, fish, and engage in scientific study and wildlife viewing in the River; and the ability for Chumash Native American's to utilize the Santa Clara and its resources to maintain

traditional cultural practices and life ways. Petitioner's members and the public are also aggrieved by the failure of the WRR/WDR to ensure, as required by law, that the Oxnard GREAT Recycled water is used reasonably so not as to perpetuate over 30 years of unreasonable use and waste of water in the Oxnard Plain region that 1.) mines the FCGMA groundwater aquifers, 2.) causes seawater to intrude and contaminate the FCGMA groundwater aquifers, and 3.) deprives the Santa Clara River of flows needed to protect and restore its in-stream flow dependent public trust protected uses.

The Regional Board's failure to analyze and ensure, as required by law, that the end uses of water that the WRR/WDR authorizes comply with and adhere to the reasonable use and waste provisions of the California Constitution and California Water Code, and failure to adequately analyze and ensure, as required by the California public trust doctrine, that the WRR/WDR protects, restores, and does not harm the Santa Clara River's public trust protected resources, has enormous negative consequences for the region, its residents, the general public, and Wishtoyo's members.

7. THE ACTION PETITIONER REQUESTS THE STATE BOARD TO TAKE:

Petitioner seeks an Order by the State Board that:

1.) Overturns the Regional Board's approval of the Amended WRR/WDR for the Project, Order No. R4-2011-0079-A01.

2.) As required by the California Constitution and Water Code, amends the WRR/WDR with conditions that ensure that the use of recycled water generated by Oxnard GREAT, and that Oxnard GREAT provides to PVCWD and other water users, is used reasonably.

3.) As required by the California Public Trust Doctrine, amends the WRR/WDR to consider and achieve protection and restoration of the Santa Clara River's in-stream flow dependent public trust protected resources by reducing the amount of water PVCWD permissibly extracts from the Basins and receives from United by the amount of recycled Oxnard GREAT Water PVCWD receives.

4.) Remedies each of the Regional Board's violations of law as described herein, or remands the matter to the Regional Board with specific direction to remedy each of its violations of law as described herein and to achieve the redress sought above in Section 6.2.) and Section 6.3.) of this petition.

5.) If the WRR/WDR provides Oxnard GREAT recycled water to PVCWD or other end users, as required by the California Public Trust Doctrine, Article X Section 2 of the California Constitution, and Section 275 of the California Water Code, decrease the amount of Santa Clara flows United is permitted to divert at the Vern Freeman Diversion Dam via its Permit and License by the amount of water that Oxnard GREAT provides to PVCWD and other water users.

8. LIST OF OTHER INTERESTED PERSONS[9]

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

[9] Petitioner is aware that numerous individuals, government entities, water districts, organizations, individuals submitted form letters to the Regional Board regarding the Project. These individuals are not all included on this list.

Mr. John Mathews
General Counsel
Pleasant Valley County Water District (PVCWD)
Arnold, LaRochelle , Mathews, VanConas, and Zirbel LLP
300 Esplanade Way Suite 2100
Oxnard, CA 93036
jmathews@atozlaw.com

Mr. E Michael Solomon
General Manager
United Water Conservation District
106 N. 8th Street
Santa Paula, CA 93060
msolomon@unitedwater.org

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

9. A STATEMENT THAT COPIES OF THE PETITION HAVE BEEN SENT TO THE REGIONAL BOARD AND TO THE APPLICANT / DISCHARGER:

A true and correct copy of this petition was sent via email on August 10, 2015 to the Executive Officer of the Regional Board and the Applicant/Discharger: the City of Oxnard, at the following email addresses:

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

Mr. Greg Nyhoff
City Manager

City of Oxnard
300 West Third Street
Oxnard, CA 93030
greg.nyhoff@ci.oxnard.ca.us

10. REQUEST FOR PREPARATION OF RECORD.

A request to the Regional Board's Executive Assistant to prepare and provide Petitioner with a transcript of the July 9, 2015 Regional Board hearing was made via email on July 10th and July 22nd, 2015. A request to the Executive Officer to prepare the staff record, including a tape recording or transcript of any pertinent Regional Board meeting, was made on August 10, 2015.

11. A STATEMENT THAT THE ISSUES RAISED IN THE PETITION WERE PRESENTED TO THE REGIONAL BOARD BEFORE THE REGIONAL BOARD ACTED, OR AN EXPLANATION OF WHY THE PETITIONER COULD NOT RAISE THOSE OBJECTIONS BEFORE THE REGIONAL BOARD:

As Regional Board staff testified at the July 9, 2015 Regional Board Hearing, the WRR/WDR was a streamlined and expedited process that included a narrow stakeholder group limited to stakeholders with an interest in water use and supply in the region. This streamlined and expedited process failed to include a sufficiently broad stakeholder group that represented members of the environmental and Native American community concerned with the Santa Clara River, and other public trust protected waterways protected that the WRR/WDR impacts.

While neither the Regional Board nor any other stakeholder made Petitioner aware that the WRR/WDR authorized a particular use of Oxnard GREAT water without analysis or requirements that the water be used reasonably and in a manner that protects and restores the in-stream flow dependent public trust resources of the Santa Clara River, upon gaining this knowledge, Petitioner

made every effort to resolve this matter before the Regional Board. The issues relevant to this Petition were raised by Petitioner in email and telephone correspondence with Regional Board staff on July 6, 2015 as soon as Petitioner became aware that the WRR/WDR involved the administration of water rights, and permitted water use in violation of the public trust doctrine and the reasonableness/waste provisions of the California Constitution and Water Code. In addition, the issues relevant to this Petition were raised by Petitioner through oral testimony accompanied by a written comment letter and a copy of Petitioner's, Ventura Coastkeeper's, Center for Biological Diversity's, and CAUSE's Complaint filed with the State Water Board submitted to the Regional Board at the July 9, 2015 Regional Board hearing on the WRR/WDR for the Project. While Petitioner's oral testimony before the Regional Board on July 9, 2015 sufficiently raised and detailed the issues relevant to this Petition, the Regional Water Board, per the recommendation of its staff counsel, refused receipt of Petitioner's written comment letter and a copy of its Complaint submitted on July 9th before the hearing on the Project.

12. SUMMARY OF PARTICIPATION BY PETITIONER

See section 11., *supra*.

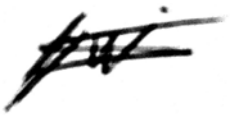
Conclusion

For the reasons stated in this Petition, Petitioner Wishtoyo Foundation respectfully requests the State Board to modify and or set aside Regional Board Order No. R4-2011-0079-A01 issuing a WRR and WDR to the City of Oxnard for the Oxnard GREAT nonpotable reuse Phase I Project, and to take all actions requested by this Petition.

Respectfully submitted via electronic mail to:
waterqualitypetitions@waterboards.ca.gov receipt requested, with one courtesy copy submitted by U.S. mail to:

State Water Resources Control Board
Office of Chief Counsel
Adrianna M. Crowl
P.O. Box 100
Sacramento, CA 95812-0100

Dated: August 10, 2015



Jason Weiner
General Counsel and Water Initiative Director
Wishtoyo Foundation

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

ORDER NO. 2008-0083-A01
MONITORING AND REPORTING PROGRAM NO. 9456
FOR CITY OF OXNARD
GROUNDWATER ENHANCEMENT AND TREATMENT PROGRAM – NONPOTABLE REUSE PROJECT
(File No. 08-070)

The City of Oxnard (City) shall implement this monitoring and reporting program on the effective date of this Order.

PURPOSE OF AMENDED MONITORING AND REPORTING PROGRAM FOR ORDER NO. R4-2011-0079-A01 AND ORDER NO. R4-2008-0083

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 the PVCWD's irrigation distribution system and to the Oxnard Plain immediately 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.

I. SUBMITTAL OF REPORTS

1. The City shall submit the required reports, outlined in the following paragraphs, to the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), and to the State Water Resource Control Board Division of Drinking Water(DDW). The reports shall be received at the Regional Board and the DDW on the dates indicated as follows:

   A. **Quarterly Monitoring Reports** shall be received at the Regional Board by the 15th day of the second month following the end of each quarterly monitoring period according to Table M1. The first Quarterly Monitoring Report under this program shall be received at the Regional Board and the DDW by the quarter following startup.

Table M1 Quarterly Report Periods and Due Dates	
Reporting Period	**Report Due**
January – March	May 15th
April – June	August 15th
July – September	November 15th
October – December	February 15th

B. **Annual Summary Report** shall be received at the Regional Board and the DDW by March 1 of each year and cover the monitoring period from January to December.

C. **Monthly Monitoring Reports** shall be received at the Regional Board by the 15th day of each month during the first two months of operation of the RSMP for PVCWMD irrigation.

2. The Permittee shall electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) Program website (http://www.waterboards.ca.gov/ciwqs/index.html) no later than the 15th day following the end of the second month of the designated monitoring period. The CIWQS website will provide additional information for SMR submittal in the event there will be a planned service interruption for electronic submittal.

II. MONITORING REQUIREMENTS

1. Quarterly monitoring shall be performed during the 1st quarter (January, February, and March), the 2nd quarter (April, May, and June), the 3rd quarter (July, August, and September), and the 4th quarter (October, November, and December); and annual monitoring shall be conducted during the third quarter of each calendar year. However, if the use of recycled water does not occur during that monitoring period, the City shall collect a sample during the next reuse event. Results of quarterly and annual analyses shall be reported in the following quarterly monitoring report. If there is no use of recycled water during the reporting period, the report shall so state. Monitoring reports shall continue to be submitted to the Regional Board, regardless of whether or not there was a use of recycled water.

2. Monitoring shall be used to determine compliance with the requirements of this Order and shall include, but not limited to, the following:

   A. Sampling protocols (specified in 40 CFR part 136 or AWWA standards where appropriate) and chain of custody procedures.

   B. Laboratory or laboratories, which conducted the analyses. Include copy or copies of laboratory certifications by the State Water Resource Control Board Division of Drinking Water Environmental Laboratory Accreditation Program (ELAP[1]) every year or when the City changes their contract laboratory.

   C. Analytical test methods used for recycled water and the corresponding detection limits.

   D. Quality assurance and control measures.

   The samples shall be analyzed using analytical methods described in 40 CFR part 136; or where no methods are specified for a given pollutant, by commercially available methods approved by the USEPA. The City shall select the analytical

[1] ELAP is a part of the DDW.

methods that provide reporting detection limits (DLRs) lower than the limits prescribed in this Order. For those constituents that have drinking water notification levels (NLs) and/or public health goals (PHGs), the DLRs shall be equal to or lower than either the NLs or the PHGs. If this is not feasible, each quarterly monitoring report shall report efforts to modify the process, the equipment or the laboratory to provide the desirable DLRs. The City shall instruct its laboratories to establish calibration standards so that the DLRs (or its equivalent if there is a different treatment of samples relative to calibration standards) are the lowest calibration standard. At no time shall the City use analytical data derived from extrapolation beyond the lowest point of the calibration curve.

3. Upon request by the City, the Regional Board, in consultation with the USEPA and the State Board Quality Assurance Program, may establish DLRs, in any of the following situations:

   A. When the pollutant has no established method under 40 CFR 136 (revised May 14, 1999, or subsequent revision);

   B. When the method under 40 CFR 136 for the pollutant has a DLR higher than the limit specified in this Order; or,

   C. When the City agrees to use a test method that is more sensitive than those specified in 40 CFR part 136 and is commercially available.

4. Samples of final effluent must be analyzed within allowable holding time limits as specified in 40 CFR part 136.3. All QA/QC analyses must be run on the same dates when samples were actually analyzed. The City shall make available for inspection and/or submit the QA/QC documentation upon request by Regional Board staff. Proper chain of custody procedures must be followed and a copy of that documentation shall be submitted with the quarterly report.

5. For all bacterial analyses, sample dilutions should be performed so the range of values extends from 1 to 800. The detection methods used for each analysis shall be reported with the results of the analyses.

III. REPORTING REQUIREMENTS

The City shall submit all reports, shown on Section I SUBMITTAL OF REPORTS to the Regional Board and the DDW by the dates indicated. All quarterly, and annual monitoring reports should contain a separate section titled “Summary of Non-Compliance”, which discusses the compliance records and corrective actions taken or planned that may be needed to bring the reuse into full compliance with water recycling requirements. This section shall clearly list all non-compliance with water recycling requirements, as well as all excursions of effluent limitations.

1. Quarterly Reports

A. These reports shall include, at a minimum, the following information:

a. The volume of the secondary-treated influent and Advanced Wastewater Purification Facility (AWPF) treated recycled water. If no recycled water is used during the quarter, the report shall so state. To monitor the flow rate variation during the use of the RSMP and the potential impact it has on the water quality at the Las Posas sampling point, the average daily flow rate at the AWPF discharge to the RSMP shall also be reported. In addition, the weekly flow amounts at each connection to the Oxnard Plain growers shall be recorded and included as daily average for each week, weekly total and monthly amount.

b. A summary report of the use of recycled water via tanker truck and/or a residential fill station, if any, shall be included in the quarterly report.

c. The date and time of sampling and analyses.

d. All analytical results of samples collected during the monitoring period of the secondary-treated influent and AWPF-treated recycled water.

e. UV dose calculations, lamp intensity readings, and UV transmittance.

f. Records of any operational problems, plant upset and equipment breakdowns or malfunctions, and any discharge(s) of the AWPF-treated recycled water.

g. Discussion of compliance, noncompliance, or violation of requirements.

h. All corrective or preventive action(s) taken or planned with schedule of implementation, if any.

B. For the purpose of reporting compliance with numerical limitations, analytical data shall be reported using the following reporting protocols:

a. Sample results greater than or equal to the DLR must be reported “as measured” by the laboratory (i.e., the measured chemical concentration in the sample); or

b. Sample results less than the DLR, but greater than or equal to the laboratory’s method detection limit (MDL), must be reported as “Detected, but Not Quantified”, or DNQ. The laboratory must write the estimated chemical concentration of the sample next to DNQ as well as the words “Estimated Concentration” (may be shortened to Est. Conc.); or

c. Sample results less than the laboratory’s MDL must be reported as “Not-Detected”, or ND.

C. If the City samples and performs analyses (other than for process/operational control, startup, research, or equipment testing) on any sample more frequently than required in this MRP using approved analytical methods, the results of those analyses shall be included in the report. These results shall be reflected

in the calculation of the average used in demonstrating compliance with average effluent, receiving water, etc., limitations.

D. The Regional Board may request supporting documentation, such as daily logs of operations.

2. Annual Reports

A. Tabular and graphical summaries of the monitoring data (AWPF-treated recycled water) obtained during the previous calendar year.

B. Discussion of the compliance record and corrective or preventive action(s) taken or planned that may be needed to bring the AWPF-treated recycled water into full compliance with the requirements in this Order.

C. The description of any changes and anticipated changes including any impacts in operation of any unit processes or facilities shall be provided.

D. A list of the analytical methods employed for each test and associated laboratory quality assurance/quality control procedures shall be included. The report shall restate, for the record, the laboratories used by the City to monitor compliance with this Order, their status of certification, and provide a summary of performance.

E. The report shall confirm operator certification and provide a list of current operating personnel, their responsibilities, and their corresponding grade of certification.

F. The report shall also include the date of the facility's Operation and Maintenance Management Plan, the date the plan was last reviewed, and whether the plan is complete and valid for the current facilities.

G. During the period when the RSMP is being utilized to facilitate the distribution of AWPF treated recycled water to the growers in the Oxnard Plain, the report shall include any issues or problems associated with the groundwater and a discussion of the Permittee's compliance with Resolution No. 2013-02 of the Fox Canyon Groundwater Management Agency (GMA). This section of the report shall also include the most recent report submitted to the Fox Canyon GMA.

3. Monthly Reports during the Initial Operations of the Temporary Use of the RSMP

A. These reports shall include information collected during the first two months of utilizing the RSMP, including the samples collected at a new monitoring location on the Las Posas temporary piping as shown on Figure 6 connecting the RSMP to the PVCMD, so that the sample will reflect the comingled water from the RSMP and the AWPF.

B. These reports shall include, at a minimum, the following information:

a. Startup procedures used to provide an adequate mixture of AWPF treated recycled water and brine in accordance with Order No. R4-2011-0079-A01.

b. The average daily flow rate pumped into the RSMP from the AWPF and the total monthly volume.

c. The weekly flow and total monthly volume transferred from the RSMP through each of four connection points to agricultural users. In addition, the weekly flow will be translated into an average daily flow rates for each weekly period.

d. The date and time of sampling and analyses.

e. All analytical results of samples collected during the first two months of the temporary use of the RSMP.

f. Discussion of compliance, noncompliance, or violation of requirements.

g. All corrective or preventive action(s) taken or planned with a schedule of implementation, if any.

C. For the purpose of reporting compliance with numerical limitations and supporting documentation, requirements noted in III.1.B, C and D also apply.

IV. MONITORING FOR SECONDARY TREATED EFFLUENT (INFLUENT TO AWPF)

1. The sampling station shall be established where representative samples of influent can be obtained. Samples may be obtained at a single station, provided that the station is representative of wastewater quality entering the AWPF. Should there be any change in the sampling station, the proposed station shall be approved by the Executive Officer prior to its use.

2. Influent Monitoring Program (Table M2)

Table M2 Influent Monitoring Program

Constituent	Units	Type of Sample	Minimum Frequency of Analysis
Total influent	MGD	---	continuous
$BOD_5 20^oC$	mg/L	24-hr composite	weekly
Suspended solids	mg/L	24-hr composite	weekly

V. RECYCLED WATER MONITORING

1. The sampling station shall be established where representative samples of recycled water can be obtained. For this recycling project, recycled water samples shall be obtained from the final effluent channel downstream. Should there be any change in the sampling point, the proposed station shall be approved by the Executive Officer prior to its use. The monitoring program for this sampling point is provided in Table M3.

2. Monitoring Program for Disinfected AWPF-Treated Recycled Water (Table M3)

Table M3 – AWPF-Treated Effluent Monitoring

Constituent	Units	Type of Sample[2]	Minimum Frequency of Analysis
Effluent flow	MGD	--	Continuous
Turbidity[3]	NTU	---	Continuous
Total coliform	MPN/100ml	Grab	Daily
pH	pH units	Grab	Daily
Settleable solids	mL/L	Grab	Daily
Suspended solids	mg/L	24-hr comp.	Weekly
$BOD_5 20^oC$	mg/L	24-hr comp.	Weekly
Oil and grease	mg/L	Grab	Monthly
Total dissolved solids	mg/L	24-hr comp.	Monthly
Chloride	mg/L	24-hr comp.	Monthly
Boron	mg/L	24-hr comp.	Monthly
Sulfate	mg/L	24-hr comp.	Monthly
Nitrate-N	mg/L	24-hr comp.	Quarterly
Nitrite-N	mg/L	24-hr comp.	Quarterly
Nitrate-N + nitrite-N	mg/L	24-hr comp.	Quarterly
Inorganic[4] with primary MCL	mg/L	24-hr comp./Grab	Quarterly
Constituents/parameters[5] with secondary MCL	--	24-hr comp.	Quarterly

[2] Grab sample is an individual sample collected in a short period of time not exceeding 15 minutes. Grab samples shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. When an automatic composite sampler is not used, composite sampling shall be done as follows: If the duration of the discharge is equal to or less than 24 hours but greater than eight (8) hours, at least eight (8) flow-weighted samples shall be obtained during the discharge period and composited. For discharge duration of less than eight (8) hours, individual 'grab' sample may be substituted.

[3] Turbidity shall be continuously monitored and recorded at a point after final filtration. The average value recorded each day, the amount of time that 0.2 NTU is exceeded, and the incident of exceeding 0.5 NTU, if any, shall be reported.

[4] See Attachment A-1 for specific constituents to be monitored.

[5] See Attachment A-5 for specific constituents to be monitored.

Table M3 – AWPF-Treated Effluent Monitoring			
Constituent	**Units**	**Type of Sample[2]**	**Minimum Frequency of Analysis**
Regulated organic chemicals[6]	µg/L	24-hr comp./Grab	Quarterly
Remaining priority pollutants[7]	µg/L	24-hr comp./Grab	Quarterly
Disinfection byproduct[8, 9]	µg/L	24-hr comp./Grab	Quarterly
Radioactivity[10]	pCi/L	24-hr comp.	Annually
Chemicals with NLs[11, 12]	µg/L	24-hr comp./Grab	Annually[11]
Endocrine disrupting chemicals[11, 13]	µg/L	24-hr comp.	Annually[11]
Pharmaceuticals and other chemicals[11, 14]	µg/L	24 –hr comp.	Annually[11]

3. During the use of the RSMP, a new monitoring location shall be established on the Las Posas temporary piping from the RSMP line to the PVCWD distribution system. The monitoring program for this sampling point downstream of the RSMP is provided

[6] See Attachment A-3 for specific constituents to be monitored. Grab samples shall be used for analyses of volatile organics and cyanide; composite samples shall be used for others.

[7] See Attachment A-7 for specific constituents to be monitored. Grab samples shall be used for analyses of volatile organics and cyanide; composite samples shall be used for others.

[8] See Attachment A-4 for specific constituents to be monitored. Grab samples shall be used for analyses of volatile organics and cyanide; composite samples shall be used for others.

[9] There are no numeric limits for these constituents, no numeric limits are anticipated at this time, and analytical methods may not be widely available.
Monitoring for these constituents are viewed as a diligent way of assessing and verifying recycled water quality characteristics, which can be useful in addressing issues of public perception about the safety of recycled water. Further, should there be a positive finding, the Regional Board and the DDW can give the result due consideration as to whether it is of concern or not. Just what such consideration might entail would depend on the knowns and unknowns of these constituents, including its potential health effects at the given concentration, the source of the chemical, as well as possible means of better control to limit its presence, treatment strategies if necessary, and other appropriate actions.

[10] See Attachment A-2 for specific constituents to be monitored.

[11] Prior to the commencement of delivering recycled water, at least one grab sample of recycled water shall be collected and analyzed. The results for the initial recycled water quality analysis shall be submitted to the Regional Board. After that, at least one grab sample of recycled water shall be collected and analyzed every year.

[12] See Attachment A-6 for specific constituents to be monitored. Grab samples shall be used for analyses of volatile organics and cyanide; composite samples shall be used for others.

[13] Endocrine disrupting chemicals include ethinyl estradiol, 17-B estradiol, estrone, bisphenol A, nonylphenol and nonylphenol polyethoxylate, octylphenol and octylphenol polyethoxylate, and polybrominated diphenyl ethers. These chemicals need to be monitored only when the analytical methods for these chemicals are applicable and approved by the USEPA.

[14] Pharmaceuticals and other chemicals include acetaminopen, amoxicillin, azithromycin, caffeine, carbamazepine, ciprofloxacin, ethylenediamine tetra-acetic acid (EDTA), gemfibrozil, ibuprofen, iodinated contrast media, lipitor, methadone, morphine, salicylic acid, and triclosan. These chemicals need to be monitored only when the analytical methods for these chemicals are applicable and approved by the USEPA.

in Table M4. If quarterly sampling of total nitrogen and constituents with either a primary or secondary MCL for a year does not identify concentrations above MCL or Basin Plan limits, then the monitoring frequency for those constituents can be reduced to bi-annually.

Table M4 – AWPF-Treated Effluent Monitoring via RSMP

Constituent	Units	Type of Sample[15]	Minimum Frequency of Analysis
Total dissolved solids	mg/L	24-hr comp.	Monthly
Chloride	mg/L	24-hr comp.	Monthly
Boron	mg/L	24-hr comp.	Monthly
Sulfate	mg/L	24-hr comp.	Monthly
Total nitrogen	mg/L	24-hr comp.	Monthly
Inorganic[4] with primary MCL	mg/L	24-hr comp/Grab	Quarterly
Constituents/parameters[5] with secondary MCL	mg/L	24-hr comp	Quarterly

VI. RECYCLED WATER USE MONITORING

The City shall submit a quarterly report, in a tabular form, on the list of users serviced during the quarter, the amount of recycled water delivered to each user, and the use of the recycled water. A summary of these data shall be included in the annual report.

VII. GENERAL MONITORING AND REPORTING REQUIREMENTS

1. The City shall summarize and arrange the monitoring data in tabular form to demonstrate compliance with requirements.

2. For every item where the requirements are not met, the City shall submit a statement of the actions undertaken or proposed which will bring the recycled water into full compliance with requirements at the earliest possible time, and submit a timetable for implementation of the corrective measures.

3. Monitoring reports shall be signed by either the principal Executive Officer or ranking elected official. A duly authorized representative of the aforementioned signatories may sign documents if:

[15] Grab sample is an individual sample collected in a short period of time not exceeding 15 minutes. Grab samples shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be during hydraulic peaks. The 24 hour composite sample for the Las Posas sample point is based on time increments. When an automatic composite sampler is not used, composite sampling shall be done as follows: If the duration of the discharge is equal to or less than 24 hours but greater than eight (8) hours, at least eight (8) flow-weighted samples shall be obtained during the discharge period and composited. For discharge duration of less than eight (8) hours, individual 'grab' sample may be substituted.

a. The authorization is made in writing by the signatory;

b. The authorization specifies the representative as either an individual or position having responsibility for the overall operation of the regulated facility or activity; and

c. The written authorization is submitted to the Executive Officer of this Regional Board.

4. The monitoring report shall contain the following completed declaration:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments thereto; and that, based on my inquiry of the individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Executed on the ___ day of _____ at _____
_____ Signature
_____ Title

5. The City shall retain records of all monitoring information, including all calibration and maintenance, monitoring instrumentation, and copies of all reports required by this Order, for a period of at least three (3) years from the date of sampling measurement, or report. This period may be extended by request of the Regional Board or the DDW at any time and shall be extended during the course of any unresolved litigation regarding the regulated activity.

6. Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The individual(s) who performed the analysis;

e. The analytical techniques or methods used; and

f. The results of such analyses.

7. The City shall submit to the Regional Board, together with the first monitoring report required by this Order, a list of all chemicals and proprietary additives which could affect the quality of the recycled water, including quantities of each. Any subsequent changes in types and/or quantities shall be reported promptly.

   An annual summary of the quantities of all chemicals, listed by both trade and chemical names, which are used in the treatment process shall be included in the annual report.

Ordered by:

Chief Deputy E.O.
for

Samuel Unger
Executive Officer

Date: July 9, 2015

/EERICKSON

Attachment A-1

Table 64431-A – Inorganic Chemicals*	
Chemical	**Maximum Contaminant Levels (mg/L)**
Aluminum	1
Antimony	0.006
Arsenic	0.05
Asbestos	7 MFL**
Barium	1
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Mercury	0.002
Nickel	0.1
Nitrate	45
Nitrate + Nitrite	10
Nitrite (as nitrogen)	1
Perchlorate	0.006
Selenium	0.05
Thallium	0.002
Fluoride	2

California Code of Regulation (CCR) Title 22, Section 64431
* Last update: March 9, 2008, or most current version.
**MFL = million fibers per liter; MCL for fibers exceeding 10µm in length.

Attachment A-2

Table 4 – Radioactivity*	
Chemical	**Maximum Contaminant Levels (pCi/L)**
Combined Radium-226 and Radium-228	5
Gross Alpha Particle Activity (Including Radium-226 but Excluding Radon and Uranium)	15
Tritium	20,000
Strontium-90	8
Gross Beta Particle Activity	50
Uranium	20

California Code of Regulation (CCR) Title 22, Section 64443
*Last update: March 9, 2008, or most current version.

Attachment A-3

Table 64444-A – Organic Chemicals*	
Chemical	**Maximum Contaminant Levels (mg/L)**
(a) Volatile Organic Chemicals	
Benzene	0.001
Carbon Tetrachloride (CTC)	0.0005
1,2-Dichlorobenzene	0.6
1,4-Dichlorobenzene	0.005
1,1-Dichloroethane	0.005
1,2-Dichloroethane (1,2-DCA)	0.0005
1,1-Dichloroethene (1,1-DCE)	0.006
Cis-1,2-Dichloroethylene	0.006
Trans-1,2-Dichloroethylene	0.01
Dichloromethane	0.005
1,2-Dichloropropane	0.005
1,3-Dichloropropene	0.0005
Ethylbenzene	0.3
Methyl-tert-butyl-ether (MTBE)	0.013
Monochlorobenzene	0.07
Styrene	0.1
1,1,2,2-Tetrachloroethane	0.001
Tetrachloroethylene (PCE)	0.005
Toluene	0.15
1,2,4-Trichlorobenzene	0.005
1,1,1-Trichloroethane	0.2
1,1,2-Trichloroethane	0.005
Trichloroethylene (TCE)	0.005
Trichlorofluoromethane	0.15
1,1,2-Trichloro-1,2,2-Trifluoroethane	1.2
Vinyl Chloride	0.0005
Xylenes (m,p)	1.75**
(b) Non-Volatile synthetic Organic Chemicals	
Alachlor	0.002
Atrazine	0.001
Bentazon	0.018
Benzo(a)pyrene	0.0002
Carbofuran	0.018
Chlordane	0.0001
2,4-D	0.07
Dalapon	0.2
1,2-Dibromo-3-chloropropane (DBCP)	0.0002
Di(2-ethylhexyl)adipate	0.4

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Table 64444-A – Organic Chemicals*	
Chemical	**Maximum Contaminant Levels (mg/L)**
Di(2-ethylhexyl)phthalate	0.004
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene Dibromide (EDB)	0.00005
Glyphosate	0.7
Heptachlor	0.00001
Heptachlor Epoxide	0.00001
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene	0.05
Lindane	0.0002
Methoxychlor	0.03
Molinate	0.02
Oxamyl	0.05
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated Biphenyls	0.0005
Simazine	0.004
Thiobencarb	0.07
Toxaphene	0.003
2,3,7,8-TCDD (Dioxin)	3×10^{-8}
2,4,5-TP (Silvex)	0.05

California Code of Regulation (CCR) Title 22, Section 64444
* Last update: March 9, 2008, or most current version.
**MCL is for either a single isomer or the sum of the isomers.

Attachment A-4

Table 64533-A – Primary MCLs for Disinfection Byproducts*	
Constituent	**Maximum Contaminant Levels (mg/L)**
Total Trihalomethanes (TTHM)	0.080
Bromodichloromethane	
Bromoform	
Chloroform	
Dibromochloromethane	
Haloacetic acid (five) (HAA5)	0.060
Monochloroacetic acid	
Dichloroacetic acid	
Trichloroacetic acid	
Monobromoacetic acid	
Dibromoacetic acid	
Bromate**	0.010
Chlorite***	1.0

California Code of Regulation (CCR) Title 22, Section 64533, Chapter 15.5
** Last update: March 9, 2008, or most current version.
** Bromate is listed for plants using ozone disinfection only.
**** Chlorite is listed for plants using chlorine dioxide only.

Attachment A-5

Table 64449-A – Secondary Maximum Contaminant Levels Consumer Acceptance Limits*	
Chemical	**Units**
Aluminum	0.2 mg/L
Copper	1.0 mg/L
Color	15 units
Foam Agents (MBAS)	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Methyl-tert-butyl-ether (MTBE)	0.005 mg/L
Odor – Threshold	3 units
Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 units
Zinc	5.0 mg/L

California Code of Regulation (CCR) Title 22, Section 64449
* Last update: June 12, 2008, or most current version.

Attachment A-6

Monitoring for Chemicals with Notification Levels*
Boron
n-Butylbenzene
sec-Butylbenzene
tert-Butylbenzene
Carbon disulfide
Chlorate
2-Chlorotoluene
4-Chlorotoluene
Dichlorodifluoromethane (Freon 12)
1,4-Dioxane
Ethylene glycol
Formaldehyde
HMX
Isopropylbenzene
Manganese
Methyl isobutyl ketone (MIBK)
Naphthalene
n-Nitrosodiethyamine (NDEA)
n-Nitrosodimethylamine (NDMA)
n-Nitrosodi-n-propylamine (NDPA)
Propachlor
n-Propylbenzene
RDX
Tertiary butyl alcohol (TBA)
1,2,3-Trichloropropane (1,2,3-TCP)
1,2,4-Trimethylbenzene
1,3,5-Trimethylbenzene
2,4,6-Trinitrotoluene (TNT)
Vanadium

* Last update: December 14, 2007, or most current version.

Attachment A-7

Monitoring for Remaining Priority Pollutants

Pesticides	**Base/Neutral Extractibles**	Di-n-butyl phthalate
Aldrin	Acenaphthene	Di-n-octyl phthalate
Dieldrin	Benzidine	Diethyl phthalate
4,4'-DDT	Hexachloroethane	Dimethyl phthalate
4,4'-DDE	Bis(2-chloroethyl)ether	Benzo(a)anthracene
4,4'-DDD	2-chloronaphthalene	Benzo(a)fluoranthene
Alpha-endosulfan	1,3-dichlorobenzene	Benzo(k)fluoranthene
Beta-endosulfan	3,3'-dichlorobenzidine	Chrysene
Endosulfan sulfate	2,4-dinitrotoluene	Acenaphthylene
Endrin aldehyde	2,6-dinitrotoluene	Anthracene
Alpha-BHC	1,2-diphenylhydrazine	1,12-benzoperylene
Beta-BHC	Fluoranthene	Fluorene
Delta-BHC	4-chlorophenyl phenyl ether	Phenanthrene
Acid Extractibles	4-bromophenyl phenyl ether	1,2,5,6-dibenzanthracene
2,4,6-trichlorophenol	Bis(2-chloroisopropyl)ether	Indeno(1,2,3-cd)pyrene
P-chloro-m-cresol	Bis(2-chloroethoxyl)methane	Pyrene
2-chlorophenol	Hexachlorobutadiene	**Volatile Organics**
2,4-dichlorophenol	Isophorone	Acrolein
2,4-dimethylphenol	Naphthalene	Acrylonitrile
2-nitrophenol	Nitrobenzene	Chlorobenzene
4-nitrophenol	N-nitrosodimethylamine	Chloroethane
2,4-dinitrophenol	N-nitrosodi-n-propylamine	1,1-dichloroethylene
4,6-dinitro-o-cresol	N-nitrosodiphenylamine	Methyl chloride
Phenol	Bis(2-ethylhexyl)phthalate	Methyl bromide
---	Butyl benzyl phthalate	2-chloroethyl vinyl ether

BEFORE THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

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WISHTOYO FOUNDATION, a non-profit corporation, VENTURA COASTKEEPER, a program of the WISHTOYO FOUNDATION, CENTRAL COAST ALLIANCE UNITED FOR A SUSTAINABLE ECONOMY, a non-profit corporation, and CENTER FOR BIOLOGICAL DIVERSITY, a non-profit corporation

Complainants,

v.

UNITED WATER CONSERVATION DISTRICT, FOX CANYON GROUNDWATER MANAGEMENT AGENCY, AND STATE WATER RESOURCES CONTROL BOARD

Respondents.

AMENDED PUBLIC TRUST, FISH AND GAME CODE, UNREASONABLE USE, AND UNREASONABLE METHOD OF DIVERSION COMPLAINT

Permit No: 18908, 11181 and All Applicable Permits

License No: 10173 and All Applicable Licenses

STATE WATER BOARD Decision No.: 1586, 884, D 884, 1129, D 1129 and All Applicable Decisions.

STATE WATER BOARD ORDER WR 87-8 and All Applicable Orders

SANTA CLARA RIVER, tributary to the SANTA CLARA RIVER ESTUARY and the PACIFIC OCEAN

In accordance with Title 23 of the California Code of Regulation, the California Water Code, the California Fish & Game Code, the California Constitution, and other applicable provisions, Wishtoyo Foundation, Ventura Coastkeeper, Central Coast Alliance United for a Sustainable Economy ("CAUSE"), and Center for Biological Diversity hereby complains against the State Water Resources Control Board, United Water Conservation District, and Fox Canyon Groundwater Management Agency and seeks redress as follows:

Response to Comments

City of Oxnard
Groundwater Recovery, Enhancement, and Treatment Program-Nonpotable Reuse Phase I Project
Tentative Amended NPDES Permit

This Table describes all significant comments received from interested persons with regard to the above-mentioned tentative permit. Each comment has a corresponding response and action taken.

Commenter	#	Comment	Response	Action Taken
Comments received from the City of Oxnard, Calleguas Municipal Water District (CMWD) and Pleasant Valley County Water District (PVCWD) on June 12, 2015				
City of Oxnard, CMWD, and PVCWD	C-1	**<u>Order R4-2008-0083</u>** • The order should reference the SMP as the RSMP throughout for consistency with the Calleguas MWD Permit. • (Page T-3) 2B should not state California Health Services – the ELAP is under the SWRCB DDW. • (Page T-4) 1.A.a. "FCVWD" should be "PVCWD"	Staff agreed	Revisions were made to the permit
	C-2	(Page T-6) 3. A seems to describe a scenario where Oxnard monitors at a "new" station on the RSMP line. We suggest the following: "….Including samples collected at the connection from the RSMP to PVCWD which is physically closest to the Round Mountain Desalter." (This sample scenario is referred to again on T-10 V.3.)	Staff revises the description of the new sampling point for clarity as follows; " samples collected at a new monitoring location on the Wood Road temporary piping as shown on Figure 6 connecting the RSMP to the PVCMD, so that the sample will reflect the comingled water from the RSMP and the AWPF.." The same change will be made on T-10.V.3.	Revisions were made to the permit
	C-3	(Page T-6) 3.B.c. refers to three connection points – this should be changed to: "c. The average daily flow rate at each connection point from the RSMP to the agricultural users and the monthly volume."	Staff agreed to the following revision "The weekly flow and monthly volume, at each connection point from the RSMP to agricultural users shall be measured and reported separately and collectively and will be translated into average daily flow rates for each weekly period." Staff also notes that the Order does not allow additional connections without prior approval.	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
	C-4	(Page T-10) Table M4. Change all sample types to "grab", Change monitoring constituents to include only those related to TMDL salt loading, i.e. "TDS, Chloride, and Sulfate"	Staff agrees that Boron should only be listed once on Table M4, but finds that the requirements for grab sampling and specific constituents are correct and based on the existing AWPF monitoring requirements and the Basin Plan requirements to protect the Pleasant Valley groundwater basin. Based on a review of the monitoring requirements, the MBAS was removed from the effluent sampling and a note was added to V. Recycled Water Monitoring to note that if quarterly sampling for the first year after adoption does not identify concentrations above MCL or Basin Plan limits, some of the monitoring frequency in table M4 may be reduced to bi-annually. Composite sampling based on time increments is acceptable and is noted in Footnote 15 for Table M4.	Revisions were made to the permit
	C-5	(Page T-9) Footnote 9 says CDPH instead of DDW	Staff agreed to change CDPH to DDW.	Revisions were made to the permit
City of Oxnard, CMWD, and PVCWD	C-6	**Order R4-2011-0079** • The Order should reference the SMP as the RSMP throughout for consistency with the Calleguas MWD Permit. • (Page 5) E. Post-Treatment Systems Delete:"Lime is needed to increase the pH and achieve an Langelier Saturation Index (LSI) of +2. A portion of the carbon dioxide must be removed to reduce the lime dose needed for stabilization. If…." Replace with: "Carbon dioxide removal and lime dosing are needed for stabilization. If…." • (Page 6) A.b. Delete this paragraph in its entirety.	Staff agreed to change SMP to RSMP. Staff agreed to update the process description and updated paragraph A.b rather than delete it.	Revisions were made to the permit
	C-7	(Page 7) Change Paragraphs 1 and 2 to read: "For Phase 1 of the GREAT Program, the following recycled water delivery system goals are:	Staff agreed to the proposed changes.	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
		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 PVWCD irrigation network. 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. 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 Tie-ins to pumping trough pipeline irrigation system and other agricultural users for delivery of recycled water."		
	C-8	(Page 11) Table 2, Revise to show two tables as defined in ORDER R4-2008-0083, one for AWPF Effluent Monitoring (Table M3) and one for AWPF treated effluent Monitoring via the SMP (Table M4), see City comments on Order R4-2008-0083 with	Staff agrees. The constituents in the MRP tables M3 and M4 are now described in a table in the Order.	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
		reference to sampling constituents and sample type.		
	C-9	(Page 12 &13) Add the following to: "1. The AWPF Treated recycled water may be used for the following:…… E. Dust control on roads, streets and fields F. Backfill consolidation around piping G. Soil compaction H. Cleaning Roads, sidewalks, and outdoor work areas Flushing Sanitary Sewers J. Other Title 22 Uses"	R4-2011-0079-A01 includes language which allows recycled water uses to include: (III.1.f.) "Other allowable applications specified in the Water Recycling Criteria, Chp. 3, Title 22, CCR, provided approval from DDW and Regional Water Board Executive Officer are obtained prior to delivery." Language is added to allow delivery of uses already defined in Title 22 after approval by the DDW. Order R4-2011-0079-A01 cannot permit new uses which have not received DDW review.	Revisions were made to the permit
	C-10	(Page 13) 6. Delete this paragraph and rewrite for clarity as follows: "6. During the use of the RSMP to deliver water to PVCWD, the AWPF treated recycled water will mix with variable amounts of brine including the flow discharged from Camrosa's Round Mountain Desalter facility. The discharger 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 8, 2015 Regional Board hearing. To satisfy the Recycled Water Limitations in Table XX at the temporary connection to the PVCWD sampling station which is physically closest to the Round Mountain Desalter, the recommended daily average minimum flow from the AWPF to the RSMP is 3.0 MGD. If the monitoring results of the recycled water being distributed from the RSMP to the agricultural users do not confirm attainment of the limits of this Order, than the daily average minimum flow from the AWPF should be increased and a new minimum flow recommended."	Staff revised the paragraph for more clarity. The study conducted by Larry Walker and Associates to verify the recycled water quality after mixing was based on a reasonable steady flow of both the AWPF and the Camrosa brine. In the event that the recycled water quality cannot be maintained by setting a minimum flow at the AWPF flow rate into the RSMP, then a minimum flow rate from the RSMP to the Oxnard Plain growers is required to better estimate the conditions of steady flow.	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
	C-11	(Page 13) Add the following: "8. If a tanker truck is used to pick-up water from the producer and distribute the water, than the producer must have a record tracking system for the recycled water (e.g. release form) and the end-user shall be responsible for application of the recycled water and have a written agreement with the distributor to inform of the requirements of this permit."	Staff agreed to add language to the permit to allow tanker truck and residential fill operations if reviewed and approved by DDW..	Revisions were made to the permit
	C-12	• (Page 24) Figure 2, see revised figure attached • (Page 25) Figure 3, see revised figure attached • (Page 30) Figure 8, see revised figure attached • Delete Figures 5 and 6.	Staff agreed to replace Figures 2 and 3 with provided figures. Since Figures 5 and 6 are no longer current and the distribution system is better represented by Figure 9 of the Tentative Order, Figures 5 and 6 have been removed and the figures renumbered.	Revisions were made to the permit
Comments received from Pleasant Valley County Water District on June 15, 2015				
PVCWD	P-1	Pleasant Valley County Water District supports this permit following these changes: • (Page 1, "Purpose of Amendment to Order No. R4-2011-0079" Paragraph 1, 3rd sentence) "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 (SMP) until the planned permanent connection can be constructed or additional flows into the SMP render the option not feasible, whichever comes first." • (Page 6, "Pump Station, and Transmission of Recycling Water," Section 14, 4th sentence) "Figures 8, 9, and 10 show the operation of the SMP to supply AWPF recycled water to growers within the Oxnard Plain ~~to Pleasant Valley farmers~~ and the temporary connections required by this amendment." • (Page 13, "Specifications for Use of Recycled Water," Section 6, 1st sentence) "During the use of the SMP to deliver water to the	Staff agreed	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
		Oxnard Plain ~~PVCWD~~, the AWPF treated recycled water will mix with variable amounts of brine including the flow discharged from the Camrosa's Round Mountain Desalter Facility." • (Page 19, "Provisions," Section 6, 1st sentence) "The Recycled water delivered to the ~~Pleasant Valley~~ Oxnard Plain users through the SMP will contain variable amounts of brine, including the flow discharged from Camrosa's Round Mountain Desalter facility." • (Page T-1, "Purpose of Amended Monitoring and Reporting Program for Order No. R4-2011-0079-A01 and Order No. R4-2008-0083," Paragraph 1, 3rd sentence) "Instead, PVCWD ~~growers~~ requested that the water be transported into the PVCWD's irrigation distribution system and to the Oxnard Plain immediately via the Calleguas Regional Salinity Management Pipeline (SMP) until the planned permanent connection can be constructed or additional flows into the SMP render the option not feasible, whichever comes first. • (Page T-4, "Reporting Requirements," "1. Quarterly Reports," Section 1.A.a, 3rd sentence) "During the use of the SMP to distribute the AWPF treated recycled water ~~to PVCWD~~, the average daily flow rate pumped into the SMP shall also be reported, as well as the flow rate at each connection to the ~~FVCWD~~ PVCWD irrigation network."		
Comments received from United Water Conservation District (UWCD) on June 15, 2015				
United Water Conservation District	U-1	Title page, Paragraph 2 UWCD does not oppose the delivery of recycled water from the City of Oxnard's Advanced Water Purification Facility (A WPF) that is part of the City's Groundwater Recovery, Enhancement and Treatment (GREAT)	Comment noted. Revisions have been made to address concerns noted in letter. See below.	Revisions have been made to the permit

Commenter	#	Comment	Response	Action Taken
		program to Pleasant Valley County Water District's distribution system via the Calleguas Regional Salinity Management Pipeline (SMP) until the planned permanent connection can be constructed or additional flows into the SMP render the option not feasible, whichever comes first.		
	U-2	Title page, Paragraph 4 and Page 2, Paragraph 1 and 2. But, the following information and clarification should be part of the official record and discussion: • UWCD is a named party (although not yet a signatory) to the City of Oxnard's Full Advanced Treatment Recycled Water Management and Use Agreement, and is mentioned several times as an agricultural irrigation user in Order No. R4-2011-0079-A01. However, the District has not been included in any of the discussions over the last six months regarding the use of the SMP. In fact, the District is not even included on the mailing list of the May 14, 2015 letter from the LARWQCB's letter to the City Manager of Oxnard regarding notice of the order (Order No. R3-2011-0079-A01 Amending Order No. R4-2008-0083). • We also note that no representative from the Fox Canyon Groundwater Management Agency (FCGMA), a key player in Ventura County's groundwater management efforts (and the designated Groundwater Sustainability Agency (GSA) under the Sustainable Groundwater Management Act of 2014- for the basins impacted by this order) has been included in the discussions or on the mailing list of the May 14, 2015 LARWQCB's letter. • This is unfortunate because UWCD and FCGMA, the two agencies with State mandated responsibility to protect the local groundwater	Comment noted. Staff agrees that both agencies Fox Canyon Groundwater Management Agency (FCGMA) and UWCD should be involved in ongoing development of recycled water resources.	UWCD will be added to the distribution list for all local recycled water projects.

Commenter	#	Comment	Response	Action Taken
		resources, could have provided some valuable insights to the overall role of the project in the County's future groundwater sustainability planning efforts.		
	U-3	Page 2, Paragraphs 3 and 4 For example, in the INTRODUCTION section (page 2) for Order No. R4-2011-0079-A01 (paragraph 1) there is a sentence that states, "The GREAT Program would provide regional water supply solutions to Western Ventura County, all the groundwater basin to reach safe yield levels sooner (i.e. reducing the effects of groundwater overdraft conditions), and provide the City with local water resources." This statement, along with the over use of the term 'new water,' have been used to encourage State representatives to move quickly in advancing the use of the SMP. These statements in the middle of one of the most serious droughts in the State's history are compelling to anyone not aware of the facts, but the statements are misleading and could result in future disagreements as local parties structure a groundwater sustainability plan. UWCD wants to provide clarification so no one mistakenly believes the GREAT Phase I project will, as currently configured, solve our local water problems. While this is a local, not a Regional Board issue, the Regional Board (and others who have lent their support to this project) should be aware of some of the facts of what this program could and won't do.	The sentence from the introduction was written in 2011 during the development of the GREAT program and was subject to public comment at that time. Staff has not represented in this Order that GREAT phase I project can solve all local water problems. Staff concurs that groundwater management is a local issue. The Regional Water Board supports the Sustainable Groundwater Management Act of 2014, signed by Governor Brown on Sept. 16, 2014 and Resolution No. 2013-02 of the Fox Canyon Groundwater Management Agency (GMA). In the Sustainable Groundwater Management Act the legislature recommends the development of local groundwater management plans. The GMA is a plan implemented by the Fox Canyon GMA with support from UWCD, PVCWD and the City of Oxnard during the first phase of the City of Oxnard's GREAT Program. To address concerns raised by UWCD, Finding 29 has been added to the Order. In addition, reporting requirements have been modified to include Fox Canyon GMA reports and III.7 has been modified to include: "If the Regional Board finds that the temporary use of the RSMP contributes to the degradation of groundwater quality, the Regional Board may also terminate or modify the WDR at a subsequent Regional Water Board meeting."	Revisions were made to the permit

Commenter	#	Comment	Response	Action Taken
	U-4	I will be attending the July 9, 2015 Public hearing for Order No. R4-2011-0079-A01 and respectively request the Regional Board to grant me up to 15 minutes to provide this clarification and to present the recycled water delivery agreement deal points via powerpoint presentation from the groundwater resource management perspective. I believe this request is reasonable given that UWCD/FCGMA not being included in the discussions leading up to this order and not being included in the mailing list but only receiving the notice from a third party. Again, we are not opposing the use of the Calleguas SMP, which is a technical issue for the Regional Board and its staff. We have no argument with the technical data that has been presented to date. How the project has been 'sold' to State officials to expedite the use of the SMP does present potential confusion as our area moves forward in complying with the Sustainable Groundwater Management Act.	Your time request during the Board Hearing will be considered by the Executive Officer in consultation with the Regional Board during evaluation of the time constraints present at the hearing.	None necessary
	U-5	Page 3, Paragraphs 2 and 3 • UWCD/FCGMA are mandated by the State of California to resolve the critical overdraft in Ventura County that has manifested into substantial seawater intrusion, causing increasing water quality and supply damage to our groundwater resources. • Side or 'special' deals, along with trying to accommodate everyone's needs for financial reasons, has long been the problem in Ventura County that has continued the average 30,000 acre-feet annual over-drafting of the basins in-spite of the 25 year State mandate to resolve the problem. In the last two years alone, the overdraft has been 100,000 acre-feet and more, each year.	Comments noted.	None necessary

Commenter	#	Comment	Response	Action Taken
	U-6	Page 3, Paragraph 4 • The term 'new water' should reflect water that resolves the overdraft problem i.e. leaving water in the ground, not water that expands water use and continues the over commitment of the resource. Using recycled water where it has not been used before is a good start. However, using recycled water and simultaneously allowing the same level of groundwater pumping that has maintained the critical overdrafting of the basins is not 'new water.' This will make regional sustainability more difficult to achieve and more expensive for those who haven't locked up special subsidized water deals for themselves. •	The term 'new water' does not appear in the Tentative Order. To address the concern of groundwater degradation, Finding # 29 has been added to the Order: "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. 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."	Revisions were made to the permit
	U-7	Page 3, Paragraph 5 • An additional significant concern of UWCD is that at present, UWCD and the Pleasant Valley County Water District (PVCWD) have not reached an agreement allowing PVCWD to place this recycled water into UWCD's two reservoirs. The reservoirs serve as an integral part of PVCWD's distribution system. The parties' existing agreement does not provide for this type of use of the UWCD	Comment noted.	None necessary

Commenter	#	Comment	Response	Action Taken
		reservoirs, and PVCWD may not use the UWCD reservoirs absent UWCD's consent. PVCWD has been aware of this issue for some time and to date, no agreement has been reached.		
	U-8	Page 3, Paragraph 6 Using recycled water, with no or limited transfers of pumping authorization from the GREAT program, along with a proposed brackish water project by UWCD, are two of the key strategies that are being considered to leave water in the ground to eliminate (or at least reduce) the over-draft and work toward achieving sustainability. The costs of these projects alone are significant and spreading the costs fairly will be a key component of the future success of the Groundwater Sustainability Plan for the Oxnard Plain Basin.	Comment noted.	None necessary
Comments received from Fox Canyon Groundwater Management Agency on June 12, 2015				
Fox Canyon GMA	F-1	Fox Canyon GMA supports the Tentative Order with the following comments and suggested revisions: • Page 2, Section 1, 5th sentence, should have the following removed. "would provide regional water supply solutions to western Ventura County, allow the groundwater basin to reach safe yield levels sooner (i.e., reducing the effects of groundwater overdraft conditions), and." • Page 4, Section 10, last paragraph, 1st sentence, should change "will" to "may", resulting in "The use of recycled water <u>may</u> replace imported potable water."	Staff agreed.	Revisions were made to the permit
Comments received from Ventura County Coalition of Labor, Agricultural and Business on June 15, 2015				
CoLAB	Co-1	CoLAB supports this Order, and suggests the following resolutions with respect to the GREAT Program: The following language:	Comments noted. Thank you for pointing out the Fox Canyon GMA Resolution No. 2013-02 and your comment that this resolution has "provided the	None necessary

Commenter	#	Comment	Response	Action Taken
		"Whereas, the GMA Management Plan describes the use of RW generated from the GREAT Program as an important management strategy that will result in improvements to water supply reliability and water quality conditions within the Agency; and.. Whereas, the primary benefits of the GREAT Program include: (a) generation of approximately 7,000 AFY of new water supplies for the region; (b) increased use of supplemental water supplies and the concomitant reduced groundwater pumping in the areas of the Oxnard Plain and Pleasant valley subbasis; (c) introduction of RW into the Pumping Trough Pipeline (PTP) and Pleasant Valley County Water District (PVCWD) systems which will increase United water Conservation District's (UWCD) ability to recharge surface water to the Forebay under certain conditions; (d) shifting groundwater pumping from the coastal and Pleasant Valley areas that are most difficult to recharge, to the Forebay/Near Forebay, which is easily recharged; (e) overall increase in groundwater recharge; and (f) the removal of tons of salts from the Oxnard Plain and Forebay groundwater; and…. Whereas, UWCD, PVCWD and the City have developed a plan to utilize RW within the UWCD PTP and PVCWD ("PV") distribution systems, along with direct delivery of RW to agricultural users along the pipeline alignment (collectively, "RW users"); and…" Section 2(c) specifically requires: "Limitation and restrictions on Forebay pumping based on groundwater level triggers and Hydrogeological conditions." Section 12(c) states "To the extent the Agency, the City and UWCD do not agree on restrictions on the use of RWPA for any given year, based on the then existing and anticipated hydrologic circumstances, the	language and tools to implement the GREAT Program in a way that will utilize this new source of recycled water to benefit users while protecting the integrity of the groundwater basins".	

Commenter	#	Comment	Response	Action Taken
		City shall use the RWPA consistently with UWCD Board of Directors' determination in consultation with the Agency." Section 14 states: Unless otherwise authorized pursuant to the Coordination Meetings, the City shall not pump its RWPA from the Forebay when evacuated groundwater from storage in the Forebay reaches 80,000 acre-feet (as regularly determined by UWCD), or groundwater levels in the Forebay reach 19 feet above mean sea level. Resumption of pumping of RWPA from the Forebay shall occur as authorized pursuant to the Coordination Meetings as provided in Section 12." These amended orders with respect to the GREAT Program are necessary as defined in the purpose of Order No. R4-2011-0079-A01.		
Comments received from Calleguas Municipal Water District on June 15, 2015				
Calleguas MWD	CM WD1	Calleguas MWD commends the efforts of the Regional Board and fully supports the tentative Order.	Thank you for your comment in support of this permit.	None necessary.
Comments received from Houweling's Tomatoes on June 15, 2015				
Houweling's	H-1	Houweling Nurseries commends the efforts of the Regional Board and fully supports the tentative Order.	Thank you for your comment in support of this permit.	None necessary.
Comments received from Ventura County Agricultural Water Quality Coalition on June 15, 2015				
Ventura County Agric. Water Quality Coalition	V-1	Ventura County Agricultural Water Quality Coalition commends the efforts of the Regional Board and fully supports the tentative Order.	Thank you for your comment in support of this permit.	None necessary.
Comments received from Ventura County Agricultural Association on June 15, 2015				

Commenter	#	Comment	Response	Action Taken
Ventura County Agric. Association	V-2	Ventura County Agricultural Association commends the efforts of the Regional Board and fully supports the tentative Order.	Thank you for your comment in support of this permit.	None necessary.
Comments received from Assemblymember Jacqui Irwin on June 15, 2015				
Jacqui Irwin	J-1	Assembly member Irwin commends the Regional Board and fully supports the AWPF use of the SMP to deliver high quality recycled water to agricultural customers in the Oxnard plain.	Thank you for your comment in support of this permit.	None necessary.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

July 20, 2015

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

ADOPTED WASTE DISCHARGE AND WATER RECYCLING REQUIREMENTS NO. R4-2011-0079-A01 AND MONITORING AND REPORTING PLAN ORDER NO. R4-2008-0083-A01, (CI-9456; NPDES PERMIT NO. CA0054097, ORDER NO. R4-2013-0094, CI-2022)

Dear Mr. Nyhoff:

On June 29, 2015, we transmitted to you the revised tentative order amendments Waste Discharge and Water Recycling Requirements R4-2011-0079-A01 and Monitoring and Reporting Program R4-2008-0083-A01.

Pursuant to Division 7 of the California Water Code, this Regional Water Board at a public meeting held on July 9, 2015, reviewed the revised tentative requirements, and considered all the factors in the case, and adopted Order No. R4-2011-0079-A01 and Monitoring and Reporting Program R4-2008-A01. They serve as your Waste Discharge and Water Recycling Requirements and Monitoring and Reporting Program. A copy of these adopted Orders are enclosed.

This Order included modifications listed in a change sheet issued on July 5, 2015.

The complete adopted Orders will be sent only to the Discharger. However, these documents are available on the Regional Water Board's website for your review. The Regional Water Board's web address is www.waterboards.ca.gov/losangeles.

If you have any questions, please contact me at (213) 620 2083.

Sincerely,

Cris Morris, P.E. Chief
Municipal Permitting Unit

Enclosures

cc: (via email only)
Assemblymember Jacqui Irwin
John Brison, Assemblymember Jacqui Irwin Field Representative
Jeannette Sanchez, Assemblymember Jacqui Irwin Field Representative
Brett Williams, Assemblymember Jacqui Irwin Field Representative
James duBois, Driscoll's Farm
Casey Houweling, Houwelings'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
Mike Solomon, United Water Conservation District
Gerhardt Hubner, Fox Canyon Groundwater Management Agency
Lynn Gray Jensen, Ventura County Coalition of Labor, Agriculture and Business
Robert Roy, Ventura County Agricultural Association
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
Mary Vorissis, MV Engineering
Joe Deakin, City of Simi Valley
Kurt Sousa, Division of Drinking Water
Jeff Densmore, Division of Drinking Water
Environmental Protection Agency, Region 9, Permit Branch (WTR-9)
NOAA, National Marine Fisheries
Department of Interior, U.S. Fish and Wildlife Service
Francis McChesney, State Water Resource Control Board, Office of Chief Counsel
Jennifer Fordyce, State Water Resource Control Board, Office of Chief Counsel
David Coupe, State Water Resource Control Board, Office of Chief Counsel
Department of Fish and Game, Region 5
California State Parks and Recreation
State Coastal Conservancy
Ventura County
Ventura Regional Sanitation District
Ventura Coast Keeper
Wishtoyo Foundation
Heal the Bay
Environment Now
Los Angeles Waterkeeper
Natural Resources Defense Council

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

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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.

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 AWPF 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 (BOD_5 20^0C) 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, NH_3 –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
$BOD_5 20_0C$	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	µg/L
Remaining priority pollutants	µg/L
Disinfection byproduct	µg/L
Radioactivity	pCi/L
Chemicals with NLs	µg/L
Endocrine disrupting chemicals'	µg/L
Pharmaceuticals and other chemicals	µg/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 nitrogen2	mg/L	--	10

2 Total nitrogen is the sum of Nitrite-N, Nitrate-N, NH_3 –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 Tile 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 program[3] 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.

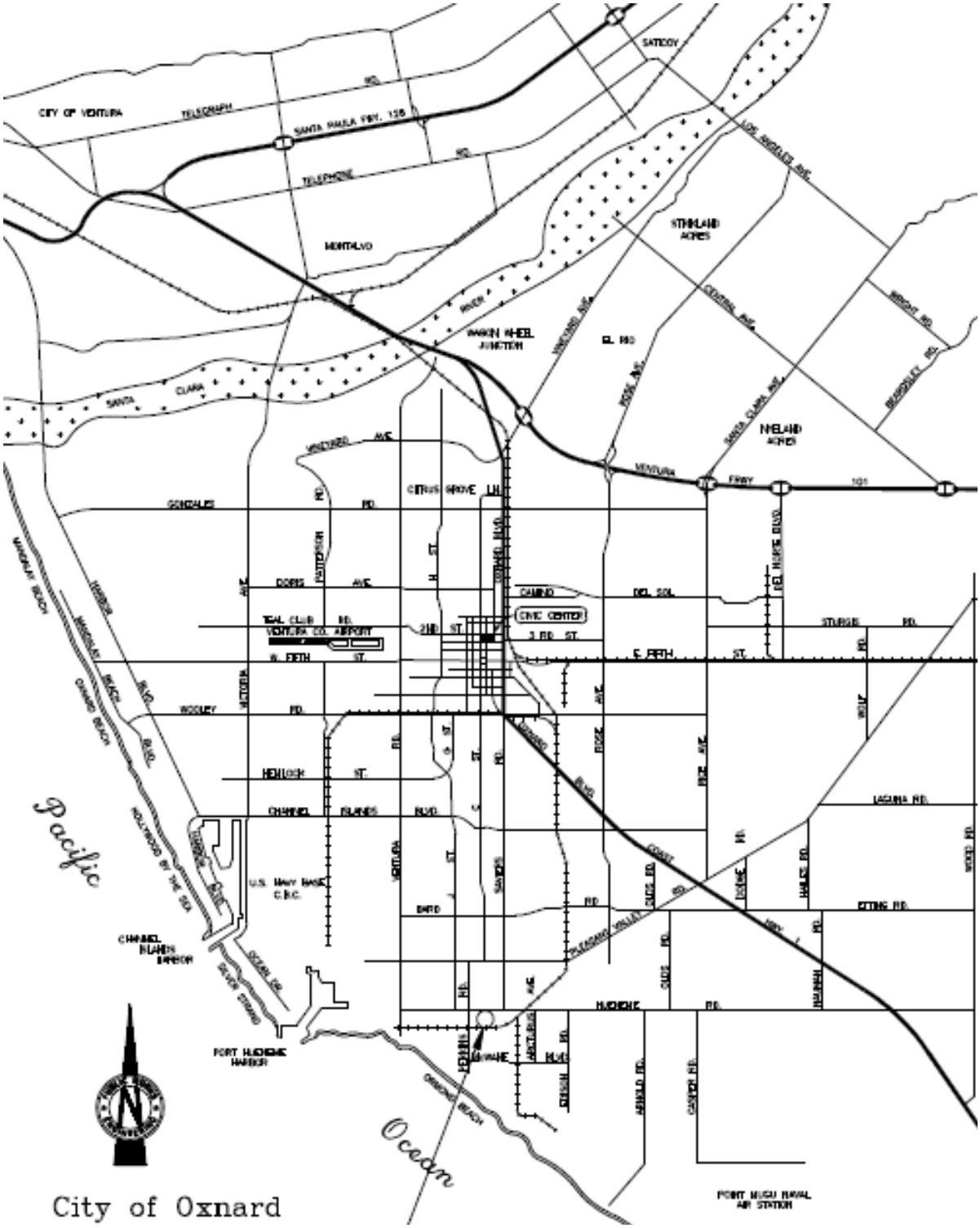
I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on July 9, 2015.

Chief Deputy E.O. for

Samuel Unger
Executive Officer

EERICKSON

FIGURE 1 – VICINITY MAP



OXNARD WASTEWATER TREATMENT PLANT AND ADVANCED WATER PURIFICATION FACILITY

FIGURE 2 – FLOW SCHEMATIC AT OXNARD WASTEWATER TREATMENT PLANT

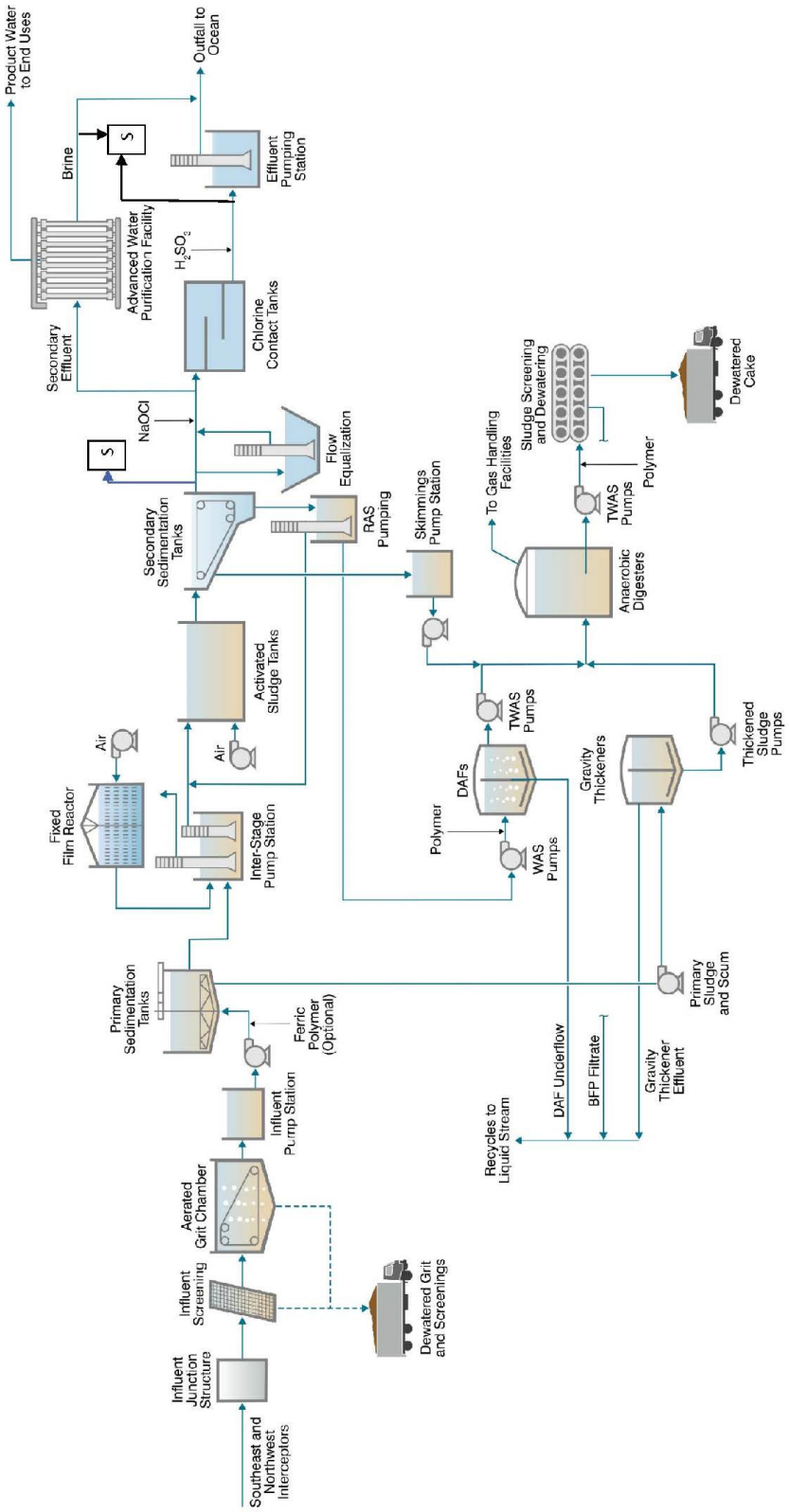


FIGURE 3 – ADVANCED WATER PURIFICATION PROCESS

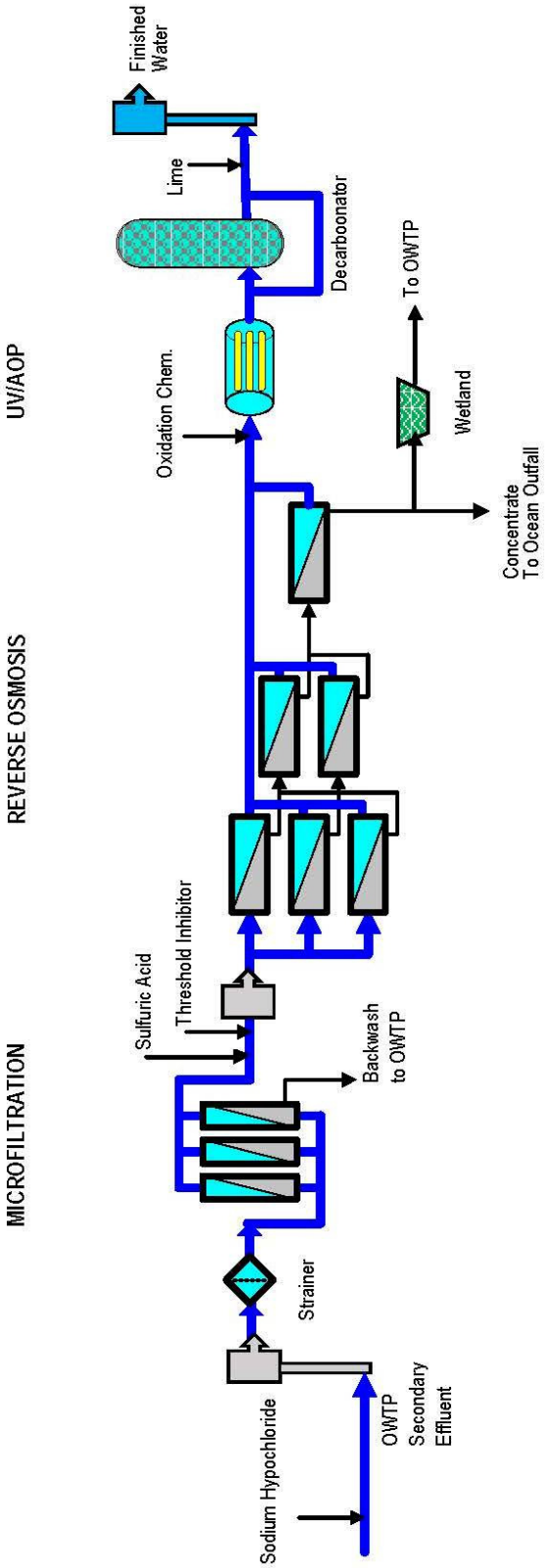


FIGURE 4 – EXISTING WATER FACILITIES IN OXNARD PLAIN

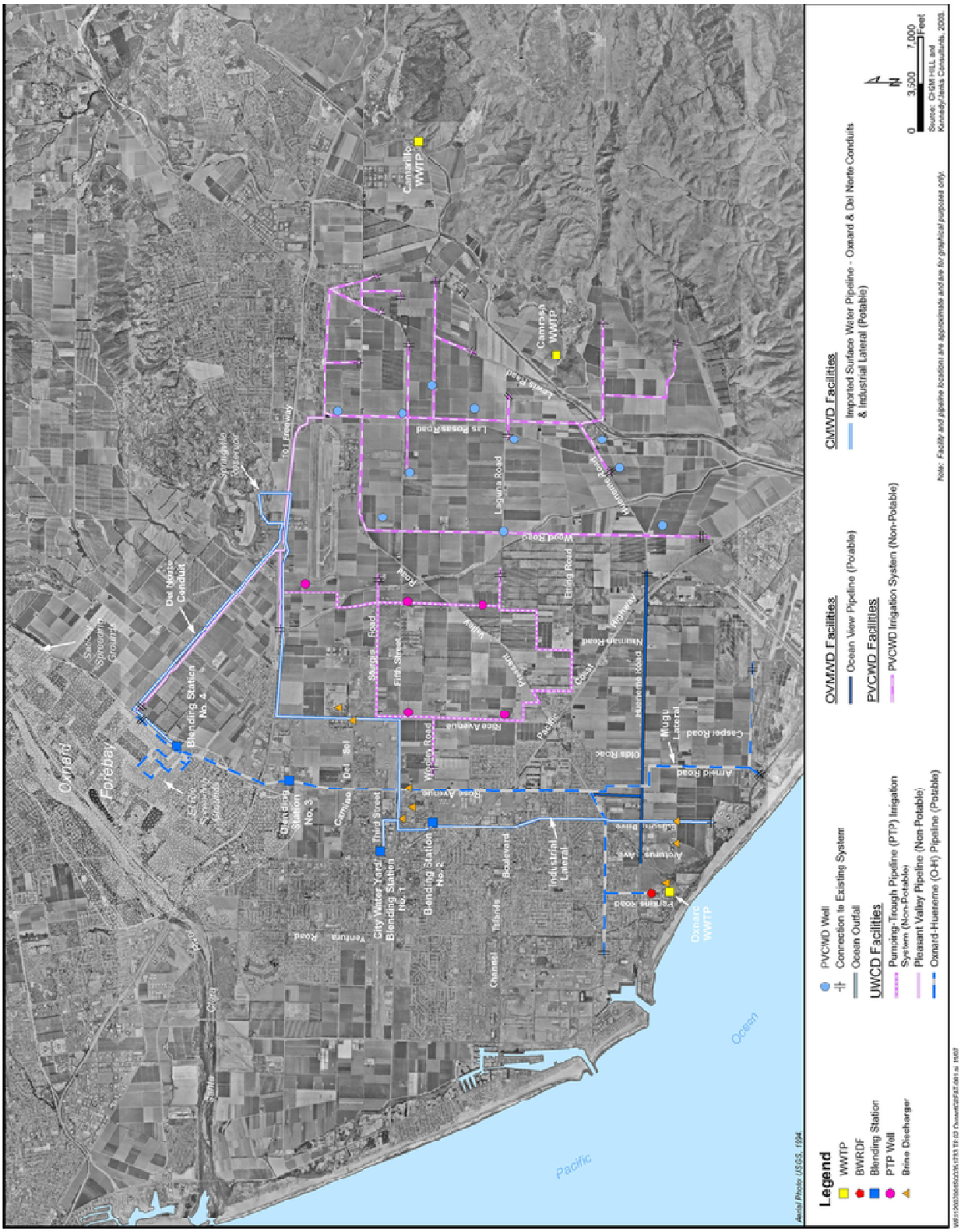


FIGURE 5 – RECYCLED WATER DISTRIBUTION AREA

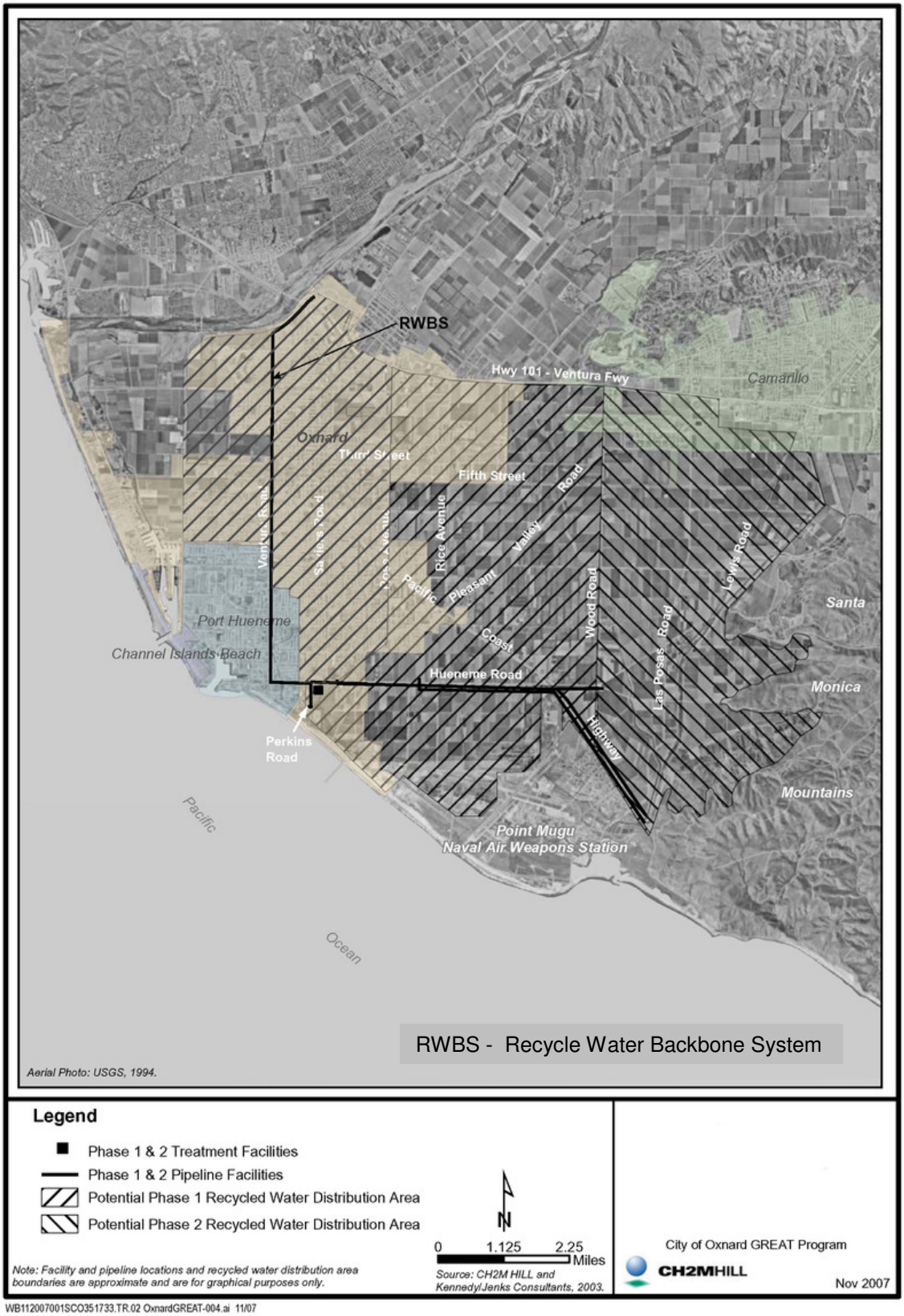


FIGURE 6 – CONCEPTUAL DESIGN OF OPERATION OF CALLEGUAS REGIONAL SALINITY PIPELINE TO SUPPLY AWPF RECYCLED WATER TO PLEASANT VALLEY

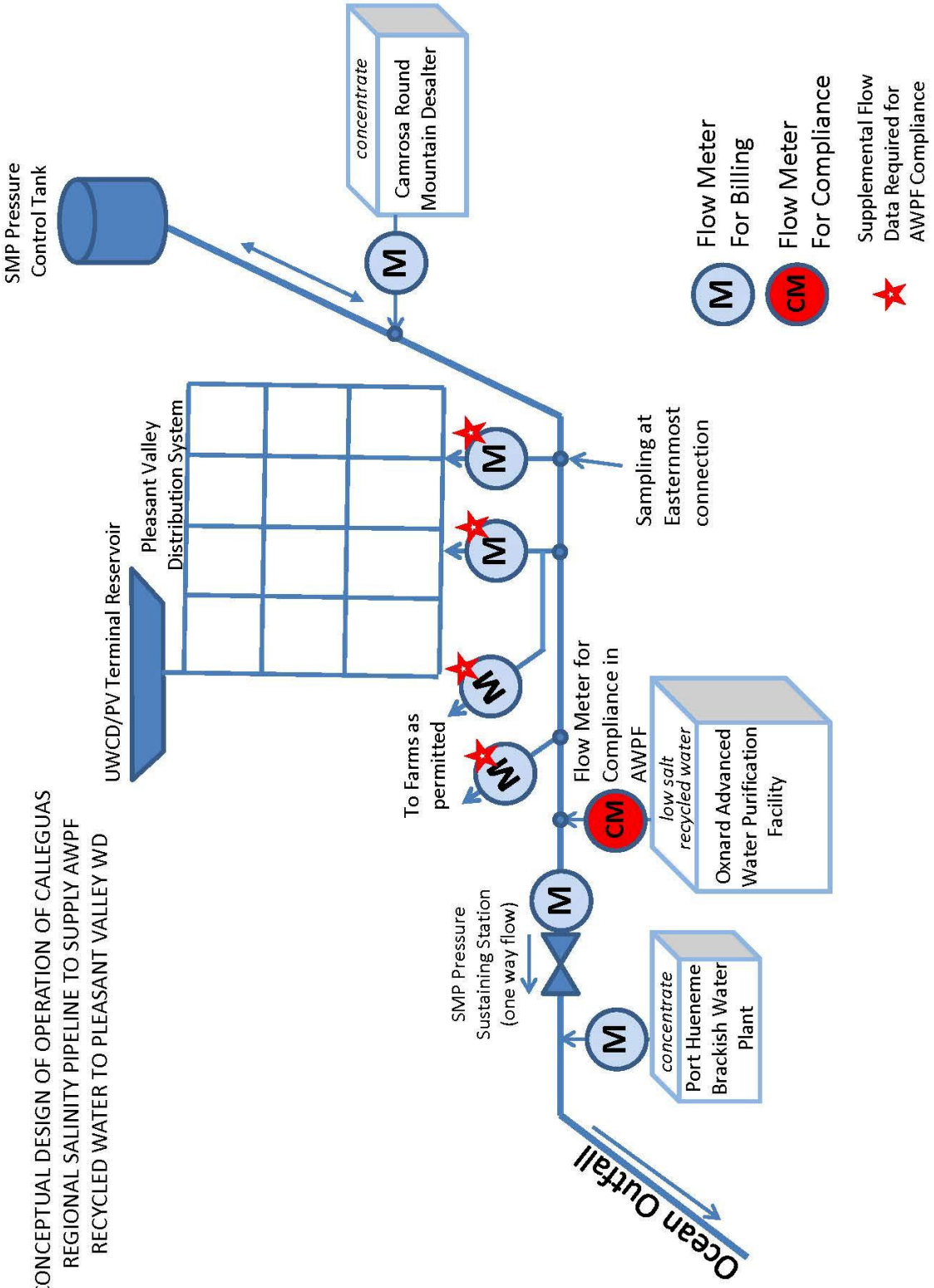


FIGURE 7 TEMPORARY CONNECTIONS: RSMP/AWPF RECYCLED WATER DISTRIBUTION

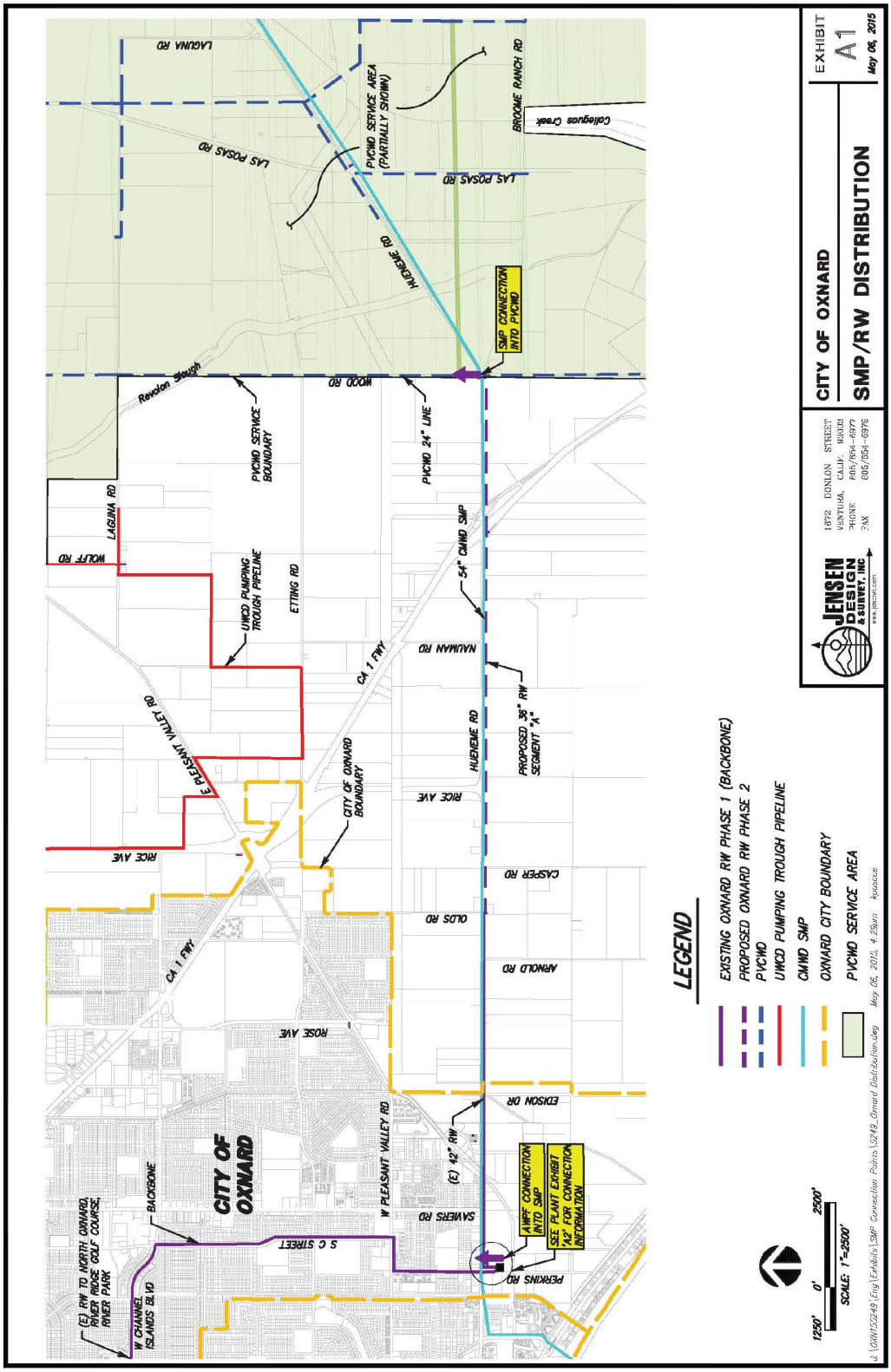


FIGURE 8 AWPF DISCHARGE CONNECTIONS

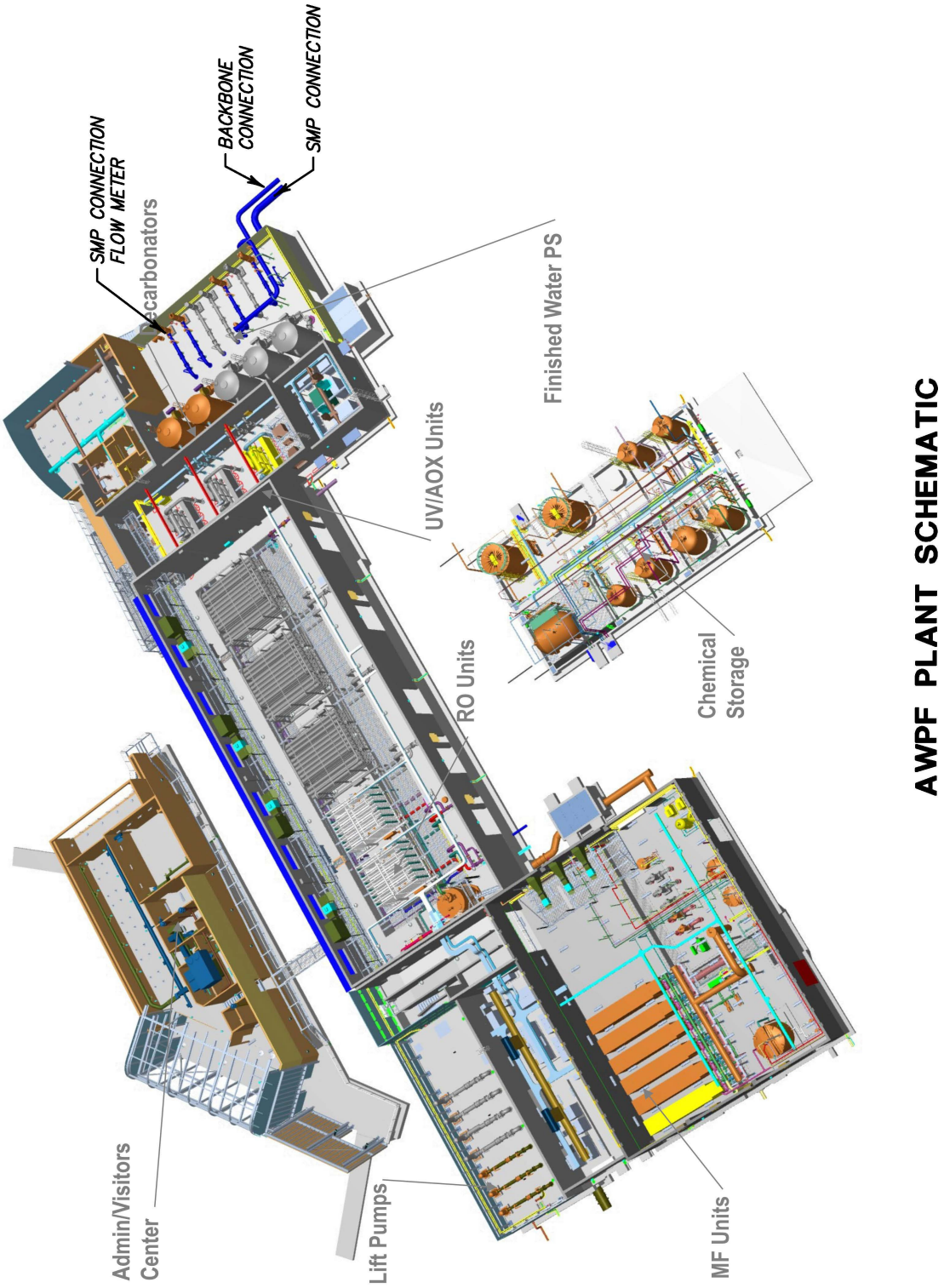


FIGURE 9 – EXHIBITION OF "RECYCLED WATER – DO NOT DRINK"