

DECISION 1623-AMENDED

(AMENDED BY ORDER WR 90-1)

ON

**AVAILABILITY OF RECLAIMED WATER
FOR GREENBELT IRRIGATION IN THE
SAN GABRIEL VALLEY WATER COMPANY
SERVICE AREA IN THE VICINITY OF THE
SAN JOSE CREEK RECLAMATION PLANT
OF THE LOS ANGELES COUNTY
SANITATION DISTRICTS**

JANUARY 1990



DIVISION OF WATER RIGHTS

STATE WATER RESOURCES CONTROL BOARD



STATE OF CALIFORNIA
George Deukmejian, Governor

ENVIRONMENTAL AFFAIRS AGENCY
Jananne Sharpless, Secretary

**STATE WATER RESOURCES
CONTROL BOARD**

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James W. Baetge, Executive Director

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of) AVAILABILITY OF RECLAIMED WATER) FOR GREENBELT IRRIGATION IN THE) SAN GABRIEL VALLEY WATER) COMPANY SERVICE AREA IN THE) VICINITY OF THE SAN JOSE CREEK) RECLAMATION PLANT OF THE) LOS ANGELES COUNTY SANITATION) DISTRICTS.) <hr/>) DECISION 1623 - Amended) (Amended By Order WR 90-1)) SOURCE: Reclaimed) Wastewater) COUNTY: Los Angeles
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BY THE BOARD:

1.0 INTRODUCTION

County Sanitation District Number 2 of Los Angeles County (District) having alleged that the use of potable water for greenbelt irrigation by the San Gabriel Valley Water Company (Company) is wasteful and unreasonable under Section 13550 of the Water Code because reclaimed water is available for greenbelt irrigation; a hearing having been held on September 28, 1988; the District and the Company having appeared and presented evidence; the State Water Resources Control Board (Board) having duly considered the evidence; the Board finds as follows:

2.0 BACKGROUND

The Company, a private utility, provides potable water service to an area in southeastern Los Angeles County

that includes the communities of South El Monte, Hacienda Heights, and parts of La Puente and Industry. The Company pumps ground water from the San Gabriel Valley ground water basin, an adjudicated basin, subject to the conditions in the decree of the Los Angeles County Superior Court. Upper San Gabriel Valley Municipal Water District v. City of Alhambra, Superior Court of California, Los Angeles County, Case No. 924128, 1972. The Metropolitan Water District of Southern California supplies supplemental water to the adjudicated basin from the Colorado River and from Northern California via the State Water Project.

The District reclaims approximately 60 million gallons of wastewater per day (MGD) (approximately 66,000 acre-feet per year) at the San Jose Creek Wastewater Reclamation Plant. The District sells relatively small quantities of this reclaimed water to various customers both within service area of the Company and outside the service area of the Company.

On September 16, 1987, the Company filed a complaint in the Los Angeles County Superior Court seeking monetary damages against the District for service duplication as provided in Sections 1501-1506 of the California Public Utilities Code. These sections require payment

of monetary damages to a private water utility if a public entity provides duplicate water service to the injury of the private utility. The District contends that the provision of reclaimed water does not duplicate the Company's potable water service because use of potable water for greenbelt irrigation is unreasonable where reclaimed water is available.

On December 17, 1987, the District filed a complaint against the Company with the Board alleging that the Company's provision of potable water for greenbelt irrigation is waste and unreasonable use of water under Water Code Section 13550, et seq.

3.0 APPLICABLE LAW

In the Water Reclamation Law, Chapter 7, commencing with Section 13500 of Division 7 of the Water Code, the Legislature established a strong public policy in favor of using reclaimed water to conserve the water resources of the state:

"13510. It is hereby declared that the people of the state have a primary interest in the development of facilities to reclaim water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements for the state.

"13511. The Legislature finds and declares that a substantial portion of the future water requirements of this state may be economically met by beneficial use of reclaimed water.

"The Legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety and welfare of the people of the state. Use of reclaimed water constitutes the development of "new basic water supplies" as that term is used in Chapter 5 (commencing with Section 12880) of Part 6 of Division 6.

"13512. It is the intention of the Legislature that the state undertake all possible steps to encourage development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state."

Water Code Section 13521 requires the Department of Health Services (Department) to:

"...establish statewide reclamation criteria for each varying type of use of reclaimed water where such use involves the protection of public health."

Water Code Section 13520 defines "reclamation criteria" to mean:

"...the levels of constituents of reclaimed water, and means for assurance of reliability under the design concept which will result in reclaimed water safe from the standpoint of public health, for the uses to be made."

The Department of Health Services has adopted regulations prescribing the levels of treatment needed for various uses of reclaimed wastewater (Chapter 3, "Reclamation Criteria", commencing with Section 60301, of Division 4 of Title 22 of the California Code of Regulations). Section 60313 contains the requirements for "Landscape Irrigation".

In furtherance of the policy set forth in Water Code Sections 13510-13512, the Legislature has declared the use of potable water for greenbelt irrigation to be wasteful and unreasonable if suitable reclaimed water is available. California Water Code Section 13550 states:

"The Legislature hereby finds and declares that the use of potable domestic water for the irrigation of greenbelt areas, including, but not limited to, cemeteries, golf courses, parks, and highway landscaped areas, is a waste or an unreasonable use of such water within the meaning of Section 2 of Article X of the California Constitution when reclaimed water which the State Board, after notice and hearing, finds meets the following conditions is available:

- "(a) The source of reclaimed water is of adequate quality for such use and is available for such use.
- "(b) Such reclaimed water may be furnished to such greenbelt areas at a reasonable cost for facilities for such delivery. In determining reasonable cost, the State Board shall consider all relevant factors, including, but not limited to, the present and projected costs of

supplying potable domestic water to affected greenbelt areas and the present and projected costs of supplying reclaimed water to such areas, and shall find that the cost of supplying such reclaimed water is comparable to, or less than, the cost of supplying such potable domestic water.

- "(c) After concurrence with the State Department of Health Services, the use of reclaimed water from the proposed source will not be detrimental to public health.
- "(d) Such use of reclaimed water will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plant life."

Water Code Section 13551 prohibits the use of potable water for the irrigation of greenbelt areas by any person or public agency "...when suitable reclaimed water is available as provided in Section 13550".

4.0 FINDINGS REGARDING AVAILABILITY OF RECLAIMED WATER

4.1 Reclaimed Water of Adequate Quality Is Available for Greenbelt Irrigation at Parks, Golf Courses, and Other Landscaped Areas

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) regulates the District's wastewater treatment and reclamation

activities under waste discharge requirements contained in Regional Board Order No. 87-53 and under the reclamation requirements contained in Regional Board Order Nos. 87-40 and 87-50. The reclamation requirements contained in Orders 87-40 and 87-50 contemplate use of reclaimed water for ground water recharge for public drinking water supply as well as for landscape irrigation, and reiterate all applicable provisions of the Department's Reclamation Criteria, including 22 C.C.R. Section 60313. The waste discharge requirements of the District's discharge of treated wastewater to the San Gabriel River impose equivalent standards on any effluent discharged to surface waters. The Regional Board testified that the reclaimed water produced at the District's plant consistently meets reclamation criteria.

Approximately a third of the District's treated effluent is reused. The remaining two-thirds (40 MGD) is discharged to the San Gabriel River. The District can currently provide approximately 45,000 acre-feet per year of additional reclaimed water for use. The District plans to increase its capacity to reclaim wastewater approximately to 100 MGD by 1992 (increasing the currently available reclaimed water by an additional 45,000 acre-feet per year). By way of

example, the California Country Club uses less than 400 acre-feet per year. Therefore, reclaimed water is available for greenbelt irrigation uses at existing and prospective sites.

4.2

Reclaimed Water From the San Jose Creek Wastewater Reclamation Plant Can Be Furnished to Greenbelt Areas At a Reasonable Cost

Section 13550 of the water Code may be applicable if the cost of using reclaimed water for greenbelt irrigation, including the cost of facilities for delivering reclaimed water to greenbelt areas, is comparable to or less than the cost of using potable water.

The Company provides potable water at differing costs for three levels of use. Costs range from about \$144 to \$280 per acre-foot. (The lowest rate applies only to the first 300 cubic feet used--less than one percent of an acre-foot).

The District charges users between \$9 and \$17 per acre-foot for reclaimed water, and users bear the cost of transporting the water to their places of use. For current and prospective users of the District's reclaimed water costs of transportation range from less

than \$10 per acre-foot to approximately \$131 per acre-foot. These costs include the District's pumping costs and the users' amortized capital costs (for pipelines, site conversion costs, if any, etc.). Therefore, some users could face total costs of up to \$150.00/acre-foot for reclaimed water for landscape irrigation.

The low cost of reclaimed water reflects stringent discharge requirements for wastewater treatment irrespective of whether the water is used for reclamation purposes. The costs of using reclaimed water are, for the most part, associated with transporting the reclaimed water from the District's plant to the place of use. Due to the need for a separate distribution system for reclaimed water, these costs are not dependent upon direct distribution of reclaimed water by the District. The cost of reclaimed water is likely to be comparable to or less than the cost of potable water even if the Company were to assume responsibility for reclaimed water distribution within the Company's service area. We find, therefore, that the District is supplying and can supply additional reclaimed water for greenbelt irrigation at a cost that is less than or comparable to the cost of potable water.

4.2.1 The Company contends that, in assessing the costs of reclaimed water supplied by the District, the Board should consider the compensation allegedly due to the Company under the Service Duplication Law (Chapter 8.5 of Division 1 of Part 1 of the California Public Utilities Code, commencing with Section 1501).

Section 1503 of the Public Utilities Code provides that if a "political subdivision" extends:

"water service...to any service areas of a private utility with the same type of service, such an act constitutes a taking of the property of the private utility for a public purpose to the extent that the private utility is injured by reason of any of its property employed in providing the water service being made inoperative, reduced in value or rendered useless to the private utility for the purpose of providing water service to the service area".

Notwithstanding the Company's contention and the language of section 1503, we find that it is unnecessary to address this issue because the Company failed to provide any evidence of such costs.

4.3 Use of reclaimed Water From the District's Plant Will Not Be Detrimental to Public Health

The District offered un rebutted testimony, presented by a Senior Sanitary Engineer in the Environmental Management Branch of the Department, that the

District's effluent consistently meets the applicable reclamation criteria established by the Department to protect public health where reclaimed water is used for the landscape irrigation. With the concurrence of the Department, we find that use of reclaimed water from the District's plant will not be detrimental to public health.

4.4 Use of the District's Effluent for Greenbelt Irrigation Will Not Adversely Affect Downstream Water Rights, Degrade Water Quality, Or Be Injurious to Plant Life

4.4.1 The San Gabriel Valley Protective Association (Association) is the only agency holding downstream appropriative rights for the conservation of flood water under License 9991 (Application 9118) and License 12209 (Application 25975). Some reclaimed wastewater is released for ground water recharge above the Association's points of diversion or rediversion at the San Gabriel River Spreading Ground headworks, but the water is released under contract. The remainder of the treated wastewater is discharged to the river below the Association's points of diversion or rediversion (San Gabriel River Watermaster for 1984-85, Twenty Second

Annual Report, City of Long Beach v. San Gabriel Valley Water Co., No. 722647). We conclude, accordingly, that the increased use of reclaimed water will not adversely affect downstream water rights.

4.4.2 Use of reclaimed water for greenbelt irrigation can affect water quality in two ways. First, percolation of reclaimed water into ground water underlying irrigated land can affect the quality of the ground water. Second, reduction of the discharge of treated effluent due to increased use of reclaimed water can affect the water quality of the surface or ground water where the effluent would otherwise be discharged.

The District's effluent is treated to satisfy waste discharge requirements based on water quality objectives established to protect the beneficial use for both surface and ground water. Therefore, use of the District's reclaimed water will not degrade the quality of ground water underlying greenbelt areas. There is no evidence that the District's discharges to the San Gabriel River are needed to maintain water quality objectives for that water course.

4.4.3 The District's reclaimed water is currently used for irrigation at commercial nurseries as well as at golf courses and other greenbelt areas. The District has

supplied reclaimed water for landscape irrigation for more than 10 years. There is no evidence that use of the District's reclaimed water is injurious to plants. On the contrary, testimony indicated that the nutrient content of reclaimed water is beneficial to plants. Accordingly, we find that use of the District's reclaimed water for greenbelt irrigation is not injurious to plant life.

4.5 Applicability of Water Code Section 13550 to Nurseries

A substantial amount of the District's reclaimed water currently is used for irrigation of wholesale nurseries. These facilities provide plants for landscape gardening. Although it is not necessary to decide whether or not these nurseries are greenbelts in order to determine whether or not reclaimed water is available for greenbelt irrigation, resolution of this issue will provide an administrative interpretation of the scope of Water Code Section 13550 and assist the Court in evaluating the service duplication allegations of the Company.

"Greenbelt" can be considered in various contexts. In our analysis of this issue, we look first to the purpose of the Water Reclamation Law. Water Code Section 13550 is intended to promote reclamation (and

consequently conservation of fresh water resources) by mandating the displacement of potable water as a source of landscape irrigation water at "greenbelts". In this context the relevant attributes of a greenbelt would be those which make it suitable for reclamation. Among the relevant factors are the following:

The quantity of water required for the maintenance of lawn and landscape plantings at a greenbelt justify installation of a separate water system for reclaimed water.

Landscape plantings are not used for food or fodder.

Recreational use, which may or may not be an attribute of greenbelts in general, is immaterial in this context. Further, reclamation criteria for landscape irrigation are designed to protect the health of people who use parks and other landscaped areas for recreation. Nursery workers will not have substantially different exposure to reclaimed water than users of parks, playgrounds, and golf courses. In fact, the Department applies the same criteria to reclaimed water used at nurseries as it applies to that used at parks and golf courses. The Department's Wastewater Reclamation Facilities Survey Report for

1978 (Staff Exhibit 5) includes nurseries in the same category as parks, golf courses, freeway landscapes, and playgrounds.

Clearly, the characteristics that make greenbelts suitable for reclamation are also shared by the wholesale nurseries that are currently using the District's reclaimed water for irrigation, and the reclamation criteria for landscape irrigation will protect the public health of nursery workers.

Accordingly, the Board finds that the definition of "greenbelt" under Water Code Section 13550 should include the use of water for irrigation of landscape plants at such wholesale nurseries.

5.0

CONCLUSIONS

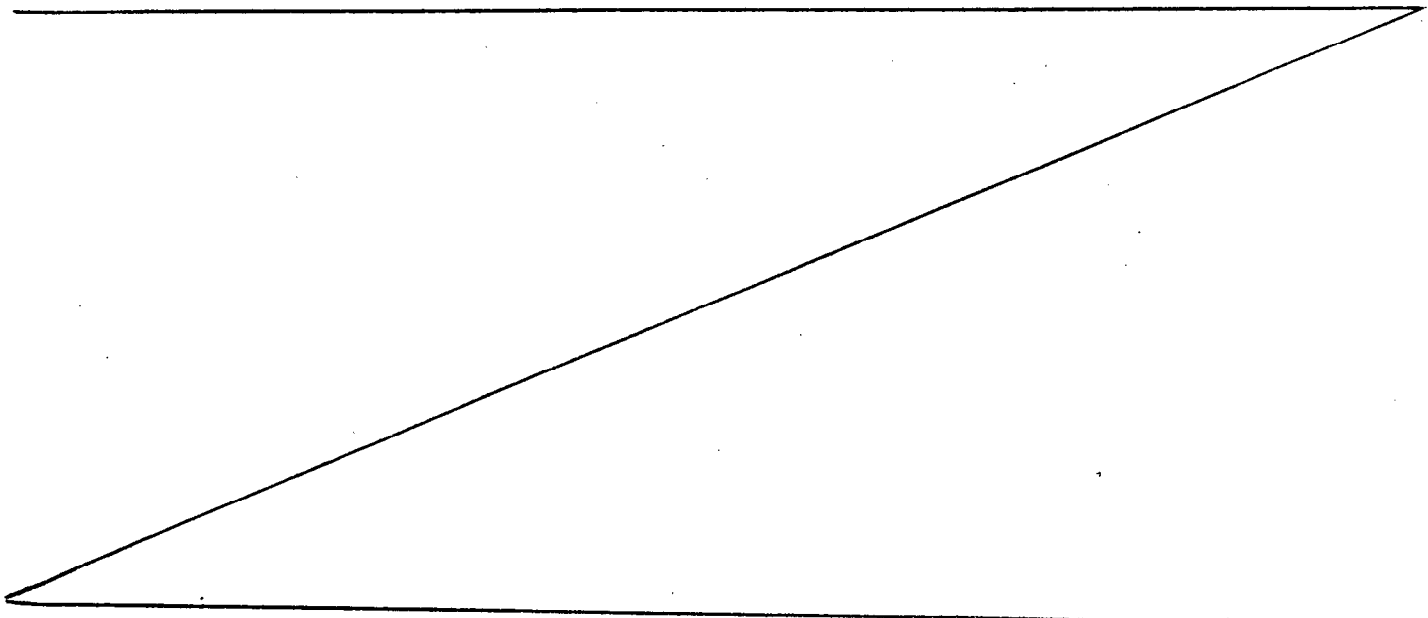
The District provides reclaimed water in the vicinity of the San Jose Creek Wastewater Reclamation Plant meeting the conditions in Section 13550 of the Water Code. We conclude that:

- a. Reclaimed water of adequate quality is available;

- b. The cost of supplying reclaimed water is comparable to or less than the cost of supplying potable water;
- c. The use of reclaimed water will not be detrimental to public health; and,
- d. The use of reclaimed water will not adversely affect downstream water rights, degrade water quality or be injurious to plant life.

Reclaimed water that satisfies the conditions of Water Code Section 13550 is available for greenbelt irrigation at any location where the user's total cost for reclaimed water (including the District's price and the costs of delivery) is less than, or comparable to, the cost of potable water from the Company.

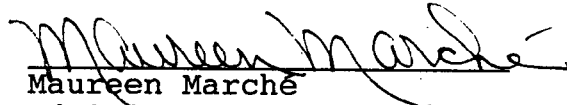
Consequently, if the Company were to provide potable



water for greenbelt irrigation where suitable reclaimed water is determined to be available, as provided in Section 13550, that would constitute waste and unreasonable use.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of Amended Decision 1623 in accordance with amendments adopted in Order WR 90-1, at a meeting of the State Water Resources Control Board held on January 18, 1990.


Maureen Marché
Administrative Assistant
to the Board



DECISION 1623

ON

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THE LOS ANGELES COUNTY SANITATION)
DISTRICTS.)

DECISION 1623

SOURCE: Reclaimed
Wastewater

COUNTY: Los Angeles

BY THE BOARD:

1.0 INTRODUCTION

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not limited to, the present and projected costs of supplying potable domestic water to affected greenbelt areas and the present and projected costs of supplying reclaimed water to such areas, and shall find that the cost of supplying such reclaimed water is comparable to, or less than, the cost of supplying such potable domestic water.

"(c) After concurrence with the State Department of Health Services, the use of reclaimed water from the proposed source will not be detrimental to public health.

"(d) Such use of reclaimed water will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plant life."

Water Code Section 13551 prohibits the use of potable water for the irrigation of greenbelt areas by any person or public agency "...when suitable reclaimed water is available as provided in Section 13550".

4.0 FINDINGS REGARDING AVAILABILITY OF RECLAIMED WATER

4.1 Reclaimed Water of Adequate Quality Is Available for Greenbelt Irrigation at Parks, Golf Courses, and Other Landscaped Areas

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) regulates the District's wastewater treatment and reclamation activities under waste discharge requirements contained in Regional Board

Order No. 87-53 and under the reclamation requirements contained in Regional Board Orders Nos. 87-40 and 87-50. The reclamation requirements contained in Orders 87-40 and 87-50 contemplate use of reclaimed water for ground water recharge for public drinking water supply as well as for landscape irrigation, and reiterate all applicable provisions of the Department's Reclamation Criteria, including 22 C.C.R. Section 60313. The waste discharge requirements for the District's discharge of treated wastewater to the San Gabriel River impose equivalent standards on any effluent discharged to surface waters. The Regional Board testified that the reclaimed water produced at the District's plant consistently meets reclamation criteria.

Approximately, a third of the District's treated effluent is reused. The remaining two-thirds (40 MGD) is discharged to the San Gabriel River. The District can currently provide approximately 45,000 acre-feet per year of additional reclaimed water for use. The District plans to increase its capacity to reclaim wastewater approximately to 100 MGD by 1992 (increasing the currently available reclaimed water by an additional 45,000 acre-feet per year). By way of example, the California Country Club uses less than 400 acre-feet per year. Therefore, reclaimed water is available for

greenbelt irrigation uses at existing and prospective sites.

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The Company provides potable water at differing costs for three levels of use. Costs range from about \$144 to \$280 per acre foot. (The lowest rate applies only to the first 300 cubic feet used--less than one percent of an acre-foot).

The District charges users between \$9.00 and \$17.00 per acre-foot for reclaimed water, and users bear the cost of transporting the water to their places of use. For current and prospective users of the District's reclaimed water costs of transportation range from less than \$10/acre-foot to approximately \$131/acre-foot. These costs include the District's pumping costs and the users' amortized capital costs (for pipelines, site conversion costs, if any, etc.). Therefore, some users could face

total costs of up to \$150.00/acre-foot for reclaimed water for landscape irrigation.

The low cost of reclaimed water reflects stringent discharge requirements for wastewater treatment irrespective of whether the water is used for reclamation purposes. The costs of using reclaimed water are, for the most part, associated with transporting the reclaimed water from the District's plant to the place of use. Due to the need for a separate distribution system for reclaimed water these costs are not dependent upon direct distribution of reclaimed water by the District. The cost of reclaimed water is likely to be comparable to or less than the cost of potable water even if the Company were to assume responsibility for reclaimed water distribution within the Company's service area. We find, therefore, that the District is supplying and can supply additional reclaimed water for greenbelt irrigation at a cost that is less than or comparable to the cost of potable water.

- 4.2.1 The Company contends that, in assessing the costs of reclaimed water supplied by the District, the Board should consider the compensation allegedly due to the Company under the Service Duplication Law (Chapter 8.5 of

Division 1 of Part 1 of the California Public Utilities Code, commencing with Section 1501).

Section 1503 of the Public Utilities Code provides that if a "political subdivision" extends "water service...to any service areas of a private utility with the same type of service, such an act constitutes a taking of the property of the private utility for a public purpose to the extent that the private utility is injured by reason of any of its property employed in providing the water service being made inoperative, reduced in value or rendered useless to the private utility for the purpose of providing water service to the service area".

Notwithstanding the Company's contention and the language of Section 1503, we find that it is unnecessary to address this issue because the Company failed to provide any evidence of such costs.

Before leaving the issue, however, we note that Section 1503 requires compensation only if the provision of reclaimed water is "the same type of service" as the provision of potable water.

Reclaimed water service differs from potable water service in several important aspects. Reclaimed water cannot be used for domestic water supply. Where reclaimed water is made available to a community, a potable water supply will still be necessary. In addition, for public health reasons, the distribution systems for reclaimed and potable water must be entirely separate and the regulatory requirements for the provisions of potable water and reclaimed water are different. Reclaimed water service also differs from potable water service in that Article X, Section 2 of California's Constitution and Water Code Section 13550 establish a strong public policy in favor of using reclaimed water. Under these circumstances we believe it is both possible and desirable to avoid construing Section 1503 in a manner that requires purveyors of reclaimed water to compensate private companies for facilities associated with wasteful and unreasonable use. A judicial decision that reclaimed water service duplicates potable water service could act as a disincentive to wastewater reclamation, and hinder displacement of potable water for greenbelt irrigation in the face of a constitutional prohibition against wasteful and unreasonable uses.

4.3 Use of Reclaimed Water From the District's Plant Will Not Be Detrimental to Public Health

The District offered unrebutted testimony, presented by a Senior Sanitary Engineer in the Environmental Management Branch of the Department, that the District's effluent consistently meets the applicable reclamation criteria established by the Department to protect public health where reclaimed water is used for the landscape irrigation. With the concurrence of the Department, we find that use of reclaimed water from the District's plant will not be detrimental to public health.

4.4 Use of the District's Effluent for Greenbelt Irrigation Will Not Adversely Affect Downstream Water Rights, Degrade Water Quality, Or Be Injurious to Plant Life

4.4.1 The San Gabriel Valley Protective Association (Association) is the only agency holding downstream appropriative rights for the conservation of flood water under License 9991 (Application 9118) and License 12209 (Application 25975). Some reclaimed wastewater is released for ground water recharge above the Association's points of diversion or redirection at the San Gabriel River Spreading Ground headworks, but the water is released under contract. The remainder of the treated wastewater is discharged to the river below the Association's points of diversion or redirection (San Gabriel River Watermaster for 1984-85, Twenty Second Annual Report, City of Long Beach v. San Gabriel Valley

Water Co., No. 722647). We conclude, accordingly, that the increased use of reclaimed water will not adversely affect downstream water rights.

- 4.4.2 Use of reclaimed water for greenbelt irrigation can affect water quality in two ways. First, percolation of reclaimed water into ground water underlying irrigated land can affect the quality of the ground water. Second, reduction of the discharge of treated effluent due to increased use of reclaimed water can affect the water quality of the surface or ground water where the effluent would otherwise be discharged.

The District's effluent is treated to satisfy waste discharge requirements based on water quality objectives established to protect the beneficial use for both surface and ground water. Therefore, use of the District's reclaimed water will not degrade the quality of ground water underlying greenbelt areas. There is no evidence that the District's discharges to the San Gabriel River are needed to maintain water quality objectives for that water course.

- 4.4.3 The District's reclaimed water is currently used for irrigation at commercial nurseries as well as at golf courses and other greenbelt areas. The District has supplied reclaimed water for landscape irrigation for

more than 10 years. There is no evidence that use of the District's reclaimed water is injurious to plants. On the contrary, testimony indicated that the nutrient content of reclaimed water is beneficial to plants. Accordingly, we find that use of the District's reclaimed water for greenbelt irrigation is not injurious to plant life.

4.5 Applicability of Water Code Section 13550 to Nurseries

A substantial amount of the District's reclaimed water currently is used for irrigation of wholesale nurseries. These facilities provide plants for landscape gardening. Although it is not necessary to decide whether or not these nurseries are greenbelts in order to determine whether or not reclaimed water is available for greenbelt irrigation, resolution of this issue will provide an administrative interpretation of the scope of Water Code Section 13550, and assist the Court in evaluating the service duplication allegations of the Company.

"Greenbelt" can be considered in various contexts. In our analysis of this issue, we look first to the purpose of the Water Reclamation Law. Water Code Section 13550 is intended to promote reclamation (and consequently conservation of fresh water resources) by mandating the displacement of potable water as a source of landscape irrigation water at "greenbelts". In this context the

relevant attributes of a greenbelt would be those which make it suitable for reclamation. Among the relevant factors are the following:

The quantity of water required for the maintenance of lawn and landscape plantings at a greenbelt justify installation of a separate water system for reclaimed water.

Landscape plantings are not used for food or fodder.

Recreational use, which may or may not be an attribute of greenbelts in general, is immaterial in this context. Further, reclamation criteria for landscape irrigation are designed to protect the health of people who use parks and other landscaped areas for recreation. Nursery workers will not have substantially different exposure to reclaimed water than users of parks, playgrounds, and golf courses. In fact the Department applies the same criteria to reclaimed water used at nurseries as it applies to that used at parks and golf courses. The Department's Wastewater Reclamation Facilities Survey Report for 1978 (Staff Exhibit 5) includes nurseries in the same category as parks, golf courses, freeway landscapes and playgrounds.

Clearly, the characteristics that make greenbelts suitable for reclamation are also shared by the wholesale

nurseries that are currently using the District's reclaimed water for irrigation, and the reclamation criteria for landscape irrigation will protect the public health of nursery workers. Accordingly, the Board finds that the definition of "greenbelt" under Water Code Section 13550 should include the use of water for irrigation of landscape plants at such wholesale nurseries.

5.0 CONCLUSIONS

The District provides reclaimed water in the vicinity of the San Jose Creek Wastewater Reclamation Plant meeting the conditions in Section 13550 of the Water Code. We conclude that:

- a. Reclaimed water of adequate quality is available;
- b. The cost of supplying reclaimed water is comparable to or less than the cost of supplying potable water;
- c. The use of reclaimed water will not be detrimental to public health; and,
- d. The use of reclaimed water will not adversely affect downstream water rights, degrade water quality or be injurious to plant life.

Reclaimed water that satisfies the conditions of Water Code Section 13550 is available for greenbelt irrigation at any location where the user's total cost for reclaimed water (including the District's price and the costs of delivery) is less than, or comparable to, the cost of potable water from the Company. Consequently, the Company's provision of potable water for greenbelt irrigation constitutes waste and unreasonable use when reclaimed water is available.

CERTIFICATION


The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 16, 1989.

AYE: W. Don Maughan
Edwin H. Finster
Eliseo M. Samaniego
Danny Walsh

NO: Darlene E. Ruiz

ABSENT: None

ABSTAIN: None


Maureen Marche
Administrative Assistant
to the Board

