



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

Division of Water Rights
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Arnold Schwarzenegger
Governor

In Reply Refer
to: 334:KDM:266.0

MAY 27 2005

Stacy R. Aldstadt
City of San Bernardino
Municipal Water Department
P.O. Box 710
San Bernardino, CA 92402

Dear Ms. Aldstadt:

WASTEWATER CHANGE PETITION – SAN BERNARDINO COUNTY

The Division of Water Rights (Division) approved the City of San Bernardino's Wastewater Change Petition on December 18, 2003. The Order referred to petition WW003052. This was an interim processing number. To maintain the Division's sequential numbering system, the petition has been assigned number WW-42. There are no changes to the Order. All future correspondence should reference WW-42.

If you have any questions regarding this matter, I can be contacted at (916) 341-5363.

Sincerely,

ORIGINAL SIGNED BY

Katherine Mrowka, Chief
Watershed Unit #3

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

DIVISION OF WATER RIGHTS

In the Matter of Waste Water Petition WW003052
Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority

**ORDER APPROVING CHANGE IN THE PLACE OF USE
AND PURPOSE OF USE
OF TERTIARY-TREATED WASTEWATER**

SOURCE: Santa Ana River

COUNTY: San Bernardino

WHEREAS:

1. Treated Wastewater Change Petition WW003052 was filed by the Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority (CSBRTTWRA) with the State Water Resources Control Board (SWRCB) on February 20, 2002, pursuant to section 1211 of the Water Code. Public notice of the change was issued on April 26, 2002, and the protest issues have been resolved.
2. The petition was filed to change the amount, purpose, and place of use of tertiary-treated wastewater discharged from CSBRTTWRA's Rapid Infiltration and Extraction (RIX) facility to Reach 4 of the Santa Ana River. The CSBRTTWRA proposes to reduce discharges by up to 400 acre-feet per year (or 0.85 percent of the average annual discharge of 47,000 acre-feet from the RIX facility). The diverted 400 acre-feet will be used in the operation of a private organic recycling and composting facility adjacent to the RIX facility.
3. In accordance with California Water Code sections 13550 *et seq.*, the SWRCB has determined that good cause for such change has been shown. In accordance with Water Code section 13350(a)(4), the SWRCB has determined that the petition for change will not adversely affect downstream water rights, will not degrade water quality, and will not be injurious to plantlife, fish and wildlife, because the proposed diversion will not result in a significant reduction of the volume of discharge to the Santa Ana River from the RIX facility.
4. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the order making the petitioner aware of possible obligations resulting from these acts.
5. There is the possibility that buried archeological deposits may be present, and accidental discovery could occur. In compliance with the California Environmental Quality Act, which states that a Lead Agency is required to make a provision for historical or unique archeological resources accidentally discovered during construction or operation of projects, a condition should

be placed in the order requiring notification of the Chief of the Division of Water Rights if project activities uncover any buried archeological materials.

6. The SWRCB has considered the environmental effects of the Petition for Change as described in the Environmental Impact Report prepared for this project. The document does not identify any significant impacts in areas subject to the jurisdiction of the SWRCB Division of Water Rights. Therefore, no findings pursuant to California Code of Regulations, Title 14, section 15091 are necessary. The SWRCB issued a Notice of Determination on August 20, 2003.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The CSBRTTWRA may reduce its discharge of tertiary treated wastewater from the RIX facility to Reach 4 of the Santa Ana River by up to 400 acre-feet annually in order to reclaim and use such wastewater for industrial purposes on 72 acres located within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$, of Section 36, T1S, R5W, SBB&M, and the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, of Section 1, T2S, R5W, SBB&M, as shown on the map on file with the SWRCB.

2. The petitioner shall comply with the following Endangered Species condition:

This change does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the petitioner shall obtain authorization for an incidental take prior to construction or operation of the project. Petitioner shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this order.

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3. The petitioner shall comply with the following archeological condition:

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery, and a professional archeologist shall be retained by the petitioner to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Chief of the Division of Water Rights.

(0000215)

STATE WATER RESOURCES CONTROL BOARD

Victoria A. Whitney
for *Harry M. Schueller*
Chief, Division of Water Rights

Dated: DEC 18 2003