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13 Attorneys for SACRAMENTO REGIONAL
14 COUNTY SANITATION DISTRICT

15 BEFORE THE
16 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

17 HEARING ON THE MATTER OF
18 CALIFORNIA DEPARTMENT OF WATER
19 RESOURCES AND UNITED STATES
20 BUREAU OF RECLAMATION REQUEST
21 FOR A CHANGE IN POINT OF DIVERSION
22 FOR CALIFORNIA WATER FIX.

23 OPENING STATEMENT OF
24 SACRAMENTO COUNTY REGIONAL
25 SANITATION DISTRICT

26 Sacramento Regional County Sanitation District (Regional San) owns and
27 operates the Sacramento Regional Wastewater Treatment Plant (SRWTP). The
28 SRWTP receives and treats wastewater from businesses and a population of
approximately 1.4 million people in the urban Sacramento County region and City of
West Sacramento and discharges treated effluent to the Sacramento River at Freeport,
just upstream of the proposed North Delta Diversions.

Under applicable law, Regional San may obtain permits to divert and beneficially
use water from the Sacramento River or Delta based on the amounts of water that it has
discharged to the Sacramento River, or cease discharges and directly reuse the recycled
water it produces, or dedicate its recycled water to instream purposes under Water Code
section 1212. In furtherance of state policy promoting the use of recycled water,

1 Regional San is actively engaged in water recycling. Regional San has filed its Protest
2 of the proposed water rights change petition to ensure that the proposed changes will
3 not injure Regional San’s substantial rights and interests in the use of its recycled water.

4 Regional San currently provides approximately 3.5 million gallons per day (mgd)
5 of recycled water for beneficial reuse, with authority to provide up to 10 mgd. Regional
6 San is planning for a substantial increase in recycled water services in conjunction with
7 its EchoWater Project, a \$2 billion investment that will provide disinfected tertiary treated
8 effluent suitable for recycling and reuse for a broad range of purpose. Among the
9 projects the highly treated effluent will support is Regional San’s South County
10 Agriculture & Habitat Lands Recycled Water Program (South County Ag Project), which
11 will deliver up to 50,000 acre-feet per year of recycled water to approximately
12 16,000 acres of irrigated land and wildlife habitat in southern Sacramento County. This
13 project has broad stakeholder support. It will advance state recycling goals and provide
14 important benefits related to regional water reliability, reduce burdens on groundwater
15 resources for irrigation, raise groundwater levels, improve Cosumnes River flow and
16 fishery conditions, and provide water for wetland resources.

17 Approval of the California WaterFix Petition could impair Regional San’s rights to
18 the recycled water that it discharges. To the extent the California WaterFix Petition
19 assumes that Regional San’s treated effluent will continue to be discharged to the
20 Sacramento River, or that treated effluent will be available to meet obligations,
21 standards, or objectives that are directly or indirectly related to flow, that assumption is
22 incorrect; any action based on the assumption could injure Regional San, a legal user of
23 water under its superior rights to its wastewater discharges, and would be contrary to law
24 and the public interest. Petitioners’ case-in-chief makes no mention of Regional San’s
25 current or future discharge, nor does it contain any information about the assumptions
26 Petitioners may have made regarding continued discharge by Regional San, if any.
27 Accordingly, Petitioners have failed to demonstrate that the Petition will not injure
28 Regional San as a legal user of water.

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In Part 1 of this proceeding, Regional San seeks assurances that will preclude Petitioners from asserting that treated effluent from the SRWTP is available for appropriation or diversion by Petitioners or that Regional San can be required to discharge treated effluent or ensure flow to provide water for diversion by Petitioner or other parties, or to meet standards, objectives, or criteria that are directly or indirectly related to requirements associated with the California WaterFix project. Regional San respectfully requests that the State Water Resources Control Board deny the proposed Petition unless Regional San's right and interests in its recycled water are fully protected.

DATED: August 31, 2016