



# How to Navigate a Wastewater Change Petition

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# Water Code Section 1211

- “(a) Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the board for that change. The board shall review the changes pursuant to the provisions of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2.
- (b) Subdivision (a) does not apply to changes in the discharge or use of treated wastewater that do not result in decreasing the flow in any portion of a watercourse.”



# When wastewater change petitions are not required

- When the discharge or use of treated wastewater does not result in decreasing the flow in any portion of a watercourse
- When the wastewater is discharged directly to an ocean or a bay



# When wastewater change petitions are not required

- Reuse/Recycle of wastewater which has never been discharged to a water body
  - When a City (party) grows in population and generates more wastewater but it has never been discharged to the water body
  - When there is no existing discharge (new project)
- When the discharge is not associated with a sanitary sewer system



# How to File a Wastewater Change Petition

- Petition Form
  - Existing and Changes to point of discharge, place of use, or purpose of use
  - Reduction in discharge to a watercourse (in cfs)
  - Question on contracted water
- Environmental Information Form
  - Includes project description, photos, maps, how will comply with CEQA, etc.
- Suggested Attachment: Rationale to support finding regarding impacts to fish and wildlife or legal users of water.
- Fees



# Contact Information

- First contact: Patricia Fernandez  
([Patricia.Fernandez@waterboards.ca.gov](mailto:Patricia.Fernandez@waterboards.ca.gov)) or  
(916) 319-9141  
to determine if need to file.



# Example

- A City proposes to recycle all treated wastewater previously discharged to a stream. Cease discharge entirely.
  - POD – eliminated
  - Place of Use: City's Service District
  - Purpose of Use: Landscape Irrigation Uses of Municipal Recycled Water (General Permit)



# Processing Steps

- Petition form/fee submitted – Forms complete?
- Noticing
  - Protests
- CEQA
- Public Trust Consideration
- Injury to other legal Users of Water
- Other applicable Policies (Instream Flow Policy)
- Draft Order
- Issuance of Order approving or denying wastewater change petition (May require Board Hearing if protests not resolved)





# Wastewater Change Petition Submittals

- 49 wastewater change petitions were received (2009-2017)
- 32 wastewater change orders issued (2009-2016)
- 3 wastewater change orders issued in 2017
- 4 petitions were cancelled or withdrawn (2009-2017)
- 13 petitions are currently pending



# Processing time for wastewater change petitions

It can take several years to process a wastewater change petition for a regular priority project. Petitions can be considered for higher priority depending on consistency with the following criteria.

Examples of previously used criteria for higher priority:

- Project has regional or Statewide significance.
- Unbuilt project and the petitioner is trying to abide by the law in developing the project.
- Consistent with principles of the Instream Flow Policy.
- Petitioner has consulted with CDFW, NMFS, the Regional Water Boards, and other agencies.



# Processing time for wastewater change petitions (cont'd)

Example of previously used criteria for higher priority:

- Petitioner has provided documentation that shows the petition will enhance fish and wildlife.
- Review under CEQA is substantially complete or petitioner has agreed to proposed mitigation measures or project modifications.
- No protests received or protests have been resolved.



# Reasons for increased processing times

- Incomplete forms or more information needed
- Protests
- Information needed to support findings (legal users and public trust resources)
- Complex CEQA process
- North Coast Area – Instream Flow Policy



# Helpful Tips

- We encourage early consultation on potential WWCPs since the process can be time consuming.
- The more information provided up front, the quicker and easier the wastewater change petition can be processed.



# Questions

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