Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

DATE: May 18, 2011

TO: Pat Modugno, Chair
Esther L. Valadez, Vice Chair
David W. Louie, Commissioner
Harold V. Helsley, Commissioner
Curt Pedersen, Commissioner

FROM: Samuel Z. Dea, Supervising Regional Planner
Special Projects Section

SUBJECT: AGENDA ITEM NO. 5
PROJECT NO. 04-181-(5)
VESTING TENTATIVE TRACT MAP NO. 61105
CONDITIONAL USE PERMIT CASE NO. 200500080
CONDITIONAL USE PERMIT CASE NO. 200500081
OAK TREE PERMIT NO. 200500043
OAK TREE PERMIT NO. 200500032
PARKING PERMIT NO. 200500011
SUBSTANTIAL CONFORMANCE REVIEW NO. 201000001

On May 16, 2011, staff received the following two late letters regarding the Mission Village Project and Draft EIR:

1) Ventura County Agricultural Water Quality Coalition, dated April 27, 2011; and
2) United Water Conservation District, dated April 29, 2011 (letter addressed to California Regional Water Quality Control Board, Los Angeles Region).

The first letter (from the Ventura County Agricultural Water Quality Coalition) is a copy of a letter already responded to in the Mission Village Final EIR. See responses to Letter No. C23 in the Final EIR.

Regarding the second letter (from the United Water Conservation District), the issues raised are addressed in Final EIR Topical Response 5: Chloride and Topical Response 6: Water Quality. The issues raised are also addressed within the Final EIR in the responses to Letter No. C22 (Santa Clarita Organization for Planning and the Environment) and Letter No. 23 (Ventura County Agricultural Water Quality Coalition). In addition, responses to the issues raised in this letter have been prepared by the County Sanitation Districts of Los Angeles County, dated May 9, 2011. This response has also been provided the Commission.

Based on the responses to comments already provided in the Final EIR, all issues raised in these late letters have been fully addressed and no additional responses are required.

Attachments.
SZD:CSB

Coalition Members:

Ventura County Agricultural Assn.

Ventura County Farm Bureau

Western Growers

California Avocado Commission

California Strawberry Commission

Ventura County Economic Development Association

Association of Water Agencies of Ventura County

United Water Conservation District

A.A. Naumann, Inc.

Oxnard Lemon Company

Somis Pacific Agricultural Mgmt.

Saticoy Lemon Association

Limoneira

Ventura Pacific Company

Calavo Growers

Sunrise Growers

Catalinos Berry Farms

D.W. Berry Farms

Iwamoto-Gean Strawberry Farms

Anacapa Berry Farms

Westview Berry Farms

Pacifico Berry Farms

Mugu Ranch Partnership

Conroy Farms

Mandalay Berry Farms

Pac-Man General Partnership

Montalvo Farms

Festival Farms

Gull Island Farms

Dullam Nursery

Ventura County Agricultural Water Quality Coalition
916 W. Ventura Boulevard
Camarillo, California 93010
(805) 388-2727 • (805) 388-2767 Fax
www.vcawqc.org

April 27, 2011

Mr. Michael D. Antonovich
Supervisor, Fifth District
Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, California 90012

Re: Mission Village DEIR and Newhall Ranch Sanitation District

Honorable Supervisor Antonovich:

The Ventura County Agricultural Water Quality Coalition (Coalition) respectfully files these comments with respect to the above matter. The Coalition represents a significant number of downstream beneficial users of water in the Santa Clara River that would be adversely impacted by additional discharges of chloride into the upper Santa Clara River by the inclusion of the proposed 6,000 housing units through the existing Valencia Sanitation District without the benefit of a reverse osmosis treatment plant as originally envisioned to meet the chloride TMDL of 100 mg/L.

The Newhall Ranch Specific Plan (Specific Plan) Environmental Impact Report was certified by the Los Angeles County Board of Supervisors in 2003. It stated that a new sanitation plant would be built to serve this project. In a letter dated in 2003, commenting on this issue for the DEIR, the Los Angeles Regional Water Quality Control Board (RWQCB) stated that achieving the Santa Clara River Chloride Total Maximum Daily Load (TMDL) would be addressed in the permitting process by requiring that the Newhall Ranch Sanitation Plant releases to the Santa Clara River meet the chloride TMDL of 100 mg/L. The permit, granted in 2007, in fact required the 100 mg/L TMDL to be met, with the intention that this new plant, promising to be operated with reverse osmosis, would reduce the overall chloride level in the River. Now, Newhall is instead proposing to run the first two tracts of Newhall Ranch, totaling some 6,000 units through the existing Valencia Sanitation Plant, a scenario that will ***elevate*** the chloride load rather than reducing it.

Several additional environmental documents have also been completed for various permits needed for the Newhall Ranch project, including the

formation of a Newhall Ranch Sanitation District and a comprehensive EIR/EIS prepared for the Santa Clara River Alteration permit in this area. All of these documents refer to the construction of a sanitation plant that will meet the chloride TMDL.

Newhall now proposes, in this second tract map application for Mission Village, that the first 6,000 units of housing developed in Newhall Ranch may be serviced by the Valencia Treatment Plant instead of meeting their requirement to build a new plant. Such a proposal would seem on its face to severely impede the RWQCB requirement to meet the chloride TMDL for the Santa Clara River by 2016.

While we do not oppose such a change as long as the impact of this additional chloride load is fully mitigated, the EIR before you does not disclose or address the issue of the additional chloride load caused by this proposal. Nor does it seek to mitigate the predictable increase to chlorides in the Sanitation District releases.

Further, it also appears that Newhall planned, but failed to disclose, this waste treatment scenario since the inception of the Specific Plan. At the January 18th Board of Supervisors' hearing (Agenda Item No. 25), a 2002 contract, made without benefit of CEQA or public disclosure, between Newhall and the Sanitation Districts was referenced for the first time in a recent Staff Report. The failure to disclose this contract during the evaluation of the Specific Plan, and thus address its effects on the chloride issue, may constitute an attempt to hide information needed by your Commission for complete decision-making on this subject.

Newhall, working with the Sanitation Districts, claims that there would be no effect from their use of the existing Plant. In fact, the DEIRs for both Landmark and Mission Village indicated high chloride levels in wells intended for use in these tracts.[1] Such levels would not meet the current TMDL for chlorides when household salt loads are added.

As your Commission is undoubtedly aware, the Valencia Treatment Plant is already out of compliance with the TMDL for chlorides in the Santa Clara River. Although the Sanitation Districts have been aware of this problem since 1979, they have done nothing to address the issue, while the use of imported water and rising salt levels continued in the ensuing decades.

The downstream farming community has made every effort to work with the Water and Sanitation Districts, as well as other agencies in the Santa Clarita Valley, to address this matter in a reasonable and equitable manner while still protecting downstream crop production and other beneficial uses.

The Newhall Ranch Specific Plan clearly stated that Newhall was to pay for infrastructure expansion.[2] The chloride releases from the sanitation plant were not addressed in the Specific Plan because Newhall's use of the Valencia Treatment Plant was never discussed. Had it been, your Commission and the Supervisors would have undoubtedly required mitigation to address this issue.

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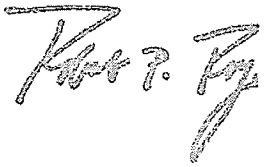
[1] Mission Village DEIR, Appendix 4.8. See Secondary Water Quality Analysis for E Wells, Oct. 2010, Re-circulated Landmark Village DEIR, Appendix 4_10q_E Wells. See Secondary Water Quality, Jan. 2010.

[2] SP Condition 4.11-8

If Newhall Ranch is allowed to use the Valencia Treatment Plant, what guarantee is there that they will ever build the Newhall Ranch Sanitation Plant?

Our Coalition respectfully requests that this issue be addressed before any further approval is granted, either by (1) requiring that Newhall build the Newhall Ranch Sanitation Plant as promised in the Specific Plan or (2) Newhall pay their share of the cost of providing facilities to treat their effluent flow to meet the chloride TMDL as they would have had to do for the Newhall Ranch Sanitation permit.

Sincerely,



Robert P. Roy
Chairman

RPR/le
c: Sam Dea, Planner, Special Projects, Los Angeles County Regional Planning Commission
Debra Smith, Los Angeles Regional Water Quality Control Board
Aaron O. Allen, US Army Corp of Engineers
Eric Raffini, United States Environmental Protection Agency
Mike Solomon, GM, United Water Conservation District
John Krist, CEO, Farm Bureau of Ventura County

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Sheldon G. Berger
Bruce E. Dandy
Roger E. Orr
F.W. Richardson

Legal Counsel
Anthony H. Trembley

General Manager
E. Michael Solomon

COPY

UNITED WATER CONSERVATION DISTRICT

"Conserving Water Since 1927"

April 29, 2011

Mr. Sam Unger, Executive Officer
Los Angeles Region
California Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

Sent via Mail & Facsimile Transmission 213-576-6640

Subject: Request for Board Action - Failure by the Santa Clarita Valley Sanitation District to Make Meaningful Progress Toward Compliance with the Upper Santa Clara River TMDL

Dear Mr. Unger:

The United Water Conservation District in Ventura County is compelled to make a specific request for the Board's assistance with regard to the lack of progress and compliance by the Santa Clarita Valley Sanitation District of Los Angeles County (SCVSD) with respect to the Upper Santa Clara River Chloride Total Maximum Daily Load (Chloride TMDL).

As you know, our District, along with the assistance of the Ventura County Agricultural Water Quality Coalition, Farm Bureau of Ventura County, County of Ventura, and certain environmental groups who have been supportive of our efforts to minimize the chloride discharges into the upper Santa Clara River, has been an active participant in the public process in bringing this chloride TMDL to a mutual resolution.

The foregoing TMDL process began on or about October 24, 2002, when the Los Angeles Regional Water Quality Control Board (hereafter "LA Board"), adopted an amendment to the Basin Plan, Resolution No. 02-018, to include a TMDL for chloride in the upper Santa Clara River. The State Water Resources Control Board remanded the TMDL on February 19, 2003, under State Water Board Resolution No. 2003-0014. In its remand, the State Water Board directed the LA Board to consider a phased implementation plan which would allow for the completion of special studies, before dischargers were required to plan and construct advance treatment technologies.

106 N. 8th Street • Santa Paula, California 93060 • Phone (805) 525-4431 • FAX (805) 525-2661 • www.unitedwater.org

In response to the remand, the LA Board adopted Resolution No. 03-008 on July 10, 2003. On May 6, 2004, the LA Board adopted Resolution No. 04-004 which revised the interim waste load allocations and implementation plan. In the amendment, the LA Board required the completion of special studies that would characterize the sources, fate, transport, and specific impacts of chloride in the upper Santa Clara River, including impacts to downstream reaches and underlying groundwater basins.

On August 3, 2006, under Resolution No. 06-016, the LA Board revised the implementation schedule of Resolution No. 04-004 based upon the literature review and evaluation. The State Water Board approved the resulting Basin Plan Amendment under State Water Board Resolution No. 2007-0029. In approving the amendment, the State Water Board directed the LA Board to consider variability in the SSO for chloride to account for the effects of drought on source water quality. The amendment was approved by the Office of Administrative Law (OAL) on August 15, 2007.

On December 11, 2008, the LA Board adopted Resolution No. R4-2008-012 amending the basin plan to adopt conditional SSOs for chloride and revise the upper Santa Clara River Chloride TMDL. Subsequent to the State Water Board's adoption of the foregoing basin plan amendment, the stakeholders affected by the Chloride TMDL Implementation Plan conducted numerous meetings which resulted in an Alternative Water Resource Management (AWRM) program that met the requirements of the LA Board and the Chloride TMDL. The AWRM program, as conceived, was seen as a "win-win" for all of the stakeholders with its unique ability to resolve the chloride water quality issue across multi-jurisdictional boundaries. As noted in the U.S. EPA's April 6, 2010, letter, *"AWRM insures that the agriculture beneficial use is protected"*.

Subsequently, the AWRM was incorporated as a requirement of the Chloride TMDL with specific milestones to insure its implementation and completion. A formal Memorandum of Understanding (MOU) was drafted and signed by all parties, including the SCVSD. The Chloride TMDL with the AWRM was approved by the State Water Resources Control Board in October 2009, the California Office of Administrative Law in January 2010, and the U.S. Environmental Protection Agency in April 2010. The amended provisions of the Chloride TMDL Implementation Plan are set forth in Table 7-6.2 as part of Resolution No. R4-2008-012. More specifically, the LA Board's attention is directed to sections 15-21 appearing at pages 18-20, respectively, therein. (These pages are attached hereto and incorporated by reference herein.)

Since the inception of the discussions of and formal adoption of the AWRM by both the LA Board and the State Water Resources Board, there has been little progress towards completion of the tasks set forth in the Chloride TMDL Implementation Plan. One exception to this was the adoption of an ordinance by the City of Santa Clarita requiring the elimination of any remaining self-regenerating water softeners that utilized chloride (salt). This ordinance, known as "Measure S", was adopted by voters on November 4, 2008. According to

representatives of the Santa Clarita Valley Sanitation District, these self-regenerating water softeners were one of the main culprits causing the chloride discharge problem in the upper Santa Clara River. However, it was clear to many of the parties to the MOU that removal of these remaining water softeners was only a portion of the "fix" needed to comply with the TMDL! Notwithstanding this action by the Sanitation District, the chloride problem has continued unabated in the East Piru Basin along Reaches 4A and 4B and is beginning to contaminate groundwater wells farther west and adjacent to the Santa Clara River.

Because of the uncertainty of future reliance upon blended water, minor technological changes in the water purification process, and compliance issues related to the elimination of water softeners in the Santa Clarita area to resolve this chloride problem, one of the major components of the AWRM was to require the Sanitation District to construct a reverse osmosis ("RO") water treatment plant. However, in order to the fund this RO treatment plant, the Sanitation District was first required to generate funding sources for these technological advancements.

When approached by the Sanitation District to assist them in obtaining Federal grants, United, along with the Agricultural Coalition, Farm Bureau of Ventura County, and others, willingly lent their support to this process and wrote letters to appropriate Congressional officials. UWCD also offered to lend its support to a public referendum or a proposed sewer rate increase to fund the compliance measures, planning and other activities required of the Sanitation District under Resolution No. R4-2008-012.

In July 2010, the Sanitation District sent a Prop 218-style notice to approximately 35,000 rate payers in the Santa Clarita Area serviced by the Sanitation District. UWCD is informed and believes that approximately 7,000 rate payers responded negatively to the proposed increase. Accordingly, the rate increase should have gone into effect. However, the Sanitation District, responding to a vocal minority outcry of citizens, unilaterally ***rejected*** the rate increase thereby eliminating the key source of funding for the Sanitation District to comply with its obligations under the AWRM.

As further evidence of the Sanitation District's unwillingness to comply with the AWRM, Sanitation District representatives contacted State and Federal elected leaders in letters dated February 2011 that were designed to assist the Sanitation District in avoiding its obligations under the AWRM. More specifically, the letter by Sanitation District Board Member Michael D. Antonovich, dated February 2, 2011, to U.S. Congressman McKeon, states in pertinent part:

> "Therefore, I wrote to ask you to sponsor legislation to modify the Clean Water Act, such that the District would not be required to take these extraordinary expensive steps in order to meet water quality standards set solely for the economic benefit of downstream interests."

In separate letters dated February 9, 2011, to State Senator Tony Strickland, Assembly Member Cameron Smyth, and State Assembly Member Jeff Gorrell, Mr. Antonovich states in relevant part:

> "I write to ask you to sponsor legislation to modify the Porter-Cologne Water Quality Control Act, such that the District would not be required to take these extraordinarily expensive steps in order to meet water quality standards set solely for the economic benefit of downstream interests."

More specifically, the Sanitation District was requesting the State elected representatives to modify the **Porter-Cologne Act** "...to specify that water quality standards and discharge limits for salinity and salinity-related compounds for publicly owned treatment works may not be set to protect off-stream beneficial uses of water occurring outside of a water body (with the exception of municipal and domestic water supply), where a major source of salinity to the publicly-owned treatment works, directly or indirectly via the community sewer system, is the potable water supply." (True and correct copies of these letters are attached hereto and incorporated by reference herein.)

These Acts are the cornerstone of this Nation's and our State's water quality protection laws, and must not be altered to allow the Sanitation District to avoid its clean water obligations under the foregoing Resolution No. R4-2008-012.

One of the arguments being made is that economic hardship to the Sanitation District's rate payers will result if the Sanitation District is required to proceed with the AWRM program. While UWCD is sympathetic to these rate payers during recent economic times, it should be noted that the Sanitation District's sewer rates, compared with other water/waste water rates in California, are one of the lowest in Southern California, even taking into account the proposed rate increase that includes the AWRM program. In particular, these rates are much lower that the communities of Piru, Fillmore and Santa Paula, clearly lower income communities, who have taken on the higher rates to comply with their wastewater discharge issues. Indeed, the rate proposed by the Sanitation District would have been phased in over a 5-year period and would not have exceeded approximately $50.00 per month per rate payer.

The efforts of the Sanitation District to avoid its obligations under the AWRM, do not end there. In a recent Notice of Public Hearing regarding a proposed sewer service charge rate increase in Santa Clarita, the Sanitation District conducted still another Prop 218 vote with respect to a proposed sewer service charge rate increase in April 2011. In the Notice of Public Hearing it states in pertinent part:

> "**None of this increase will fund development of facilities to control chlorides in the Santa Clara River**. While the District staff will continue to work with the regulators,

pursuant Board direction, to resolve the chloride issue in the most cost-effective and reasonable manner possible, no rate increase to support chloride-related facilities will be proposed until an acceptable plan is developed..." (Emphasis added.)

Clearly, the Sanitation District's Board has evinced a clear intent to not comply with the terms of the AWRM.

Furthermore, in a recent meeting conducted at the offices of the United Water Conservation District in February 2011, representatives of the Sanitation District had the audacity to propose still a new alternative, with no specific plan in mind, and no basic studies supporting their supposed alternative plan. UWCD and its partners believe that this meeting was scheduled for the sole purpose of providing the Sanitation District with a reason to go back to the Board's staff to indicate that the stakeholders were receptive to still another alternative that was more amenable to the Sanitation District and its constituents.

As if this were not a compelling story already, there is one last piece of the puzzle that has recently surfaced demonstrating that the chloride situation in the upper Santa Clara River will worsen without the LA Board's intervention. UWCD is in receipt of the attached letter dated March 16, 2011, from the Santa Clarita Organization for Planning and the Environment ("SCOPE") to the Los Angeles County Regional Planning Commission with reference to a proposed development of approximately 6,000 homes in a proposed Mission Village development that would have been treated by the Newhall Ranch Water Treatment Plant. As the attached letter demonstrates, in a letter dated 2003, commenting on this issue for the specific plan DEIR for this proposed development project, the LA Board stated that the chloride issue would be addressed in the permitting process by requiring releases to the Santa Clara River to meet the chloride TMDL. The permit, granted in 2007, in fact required that the 100 mg/l TMDL be met, with the thought that this water treatment plant, promising to be operated with reverse osmosis, would reduce the overall chloride level in the River. Now, however, Newhall is instead proposing to run the first 6,000 units in this project development through the existing Valencia Sanitation District!

According to the letter, the Valencia treatment plant is already out of compliance with the TMDL for chlorides in the Santa Clara River. Although the Sanitation District has been aware of this problem since 1979, it has done nothing to address the issue as a use of imported water and the salt levels continue to rise in the River. Santa Clarita rate payers are now being asked to foot the bill for a needed upgrade to address this issue, while the Sanitation District has clearly stated that no increase in connection fees for Newhall is in the offering. The failure on the part of Newhall to construct the promised reverse osmosis water treatment plant and run the 6,000 project units through the existing Valencia treatment plant will exacerbate the existing chloride problem in the upper Santa Clara River, quite apart from the current discharges by the SCVSD!.

On May 4, 2011, the Sanitation District will be in violation of the chloride TMDL and its NPDES wastewater permits by failure to "complete a waste water facilities plan and programmatic environmental impact report for facilities to comply with final effluent permit limits for chloride..." and failure "...to being the engineering design of the recommended project waste water facilities...". Representatives of the Sanitation District recently acknowledged the same to the undersigned and other representatives of the stakeholder's group at a meeting on February 11, 2011, at the offices of the United Water Conservation District.

The foregoing process, which began in 2002, remains unabated for the last nine years, and if left to the control of the Sanitation District, will continue unabated through the end of the Chloride TMDL Implementation Plan in 2015. Clearly, the foregoing actions of the Sanitation District evince an intent to delay and fail to comply with the mandates under the AWRM and Chloride Implementation Plan under the guise of economic difficulties. This argument is wearing thin on the stakeholders of Ventura County and should be acknowledged by this Honorable Board as nothing more than a ploy to delay the Sanitation District's obligations under the foregoing laws. As you know, I have spoken before your Board numerous times over the last year stating this concern of delay and arrogance by SCVSD.

UWCD understands that the LA Board has a multitude of options before it with regard to administrative, judicial, and compliance measures to enforce the Sanitation District's compliance with the Chloride TMDL Implementation Plan and its NPDES permit. UWCD is confident that the staff and LA Board's legal counsel are extremely knowledgeable of these potential measures

UWCD respectfully requests that the LA Board set this matter on its agenda at the next possible meeting of the LA Board for consideration of punitive remedies to be assessed against the Sanitation District for its apparent intentional disregard for the authority of the Regional Board and the requirements of the AWRM and the NPDES permits. Such measures should include, but not be limited to, immediate reversion to the 100 mg/l chloride effluent limitation with the Sanitation District Saugus and Valencia WWTP's NPDES permits and, further, issuance of an order or complaint that the Sanitation District is discharging out of compliance in violation of its NPDES permits and the AWRM which is incorporated into the NPDES permits.

UWCD recognizes that the chloride TMDL includes a date of May 4, 2011, for Regional Board staff "...to re-evaluate the schedule to implement control measures needed to meet final conditional WLAs adopted...". We believe that this request is in line with your schedule to consider the progress and additional administrative remedies to bring the Sanitation District into compliance.

UWCD appreciates your consideration of the above request. We believe it is unfortunate that we are compelled to make such a request, but after many years of mutually trying to come to agreement and resolution with the Sanitation District, we feel that the stakeholders of Ventura County have no choice if we are to protect our water resources for present and future beneficial

UNITED WATER CONSERVATION DISTRICT

uses in accordance with the State's **Porter-Cologne Act** and the Anti-Degradation Policy (Resolution No. 68-16).

UWCD stands ready to assist the LA Board and its staff in furtherance of this request.

Respectfully submitted,

E. Michael Solomon
General Manager

RPR/le
Attachments
cc: Tom Howard, Executive Officer, State Water Resources Control Board
Alexis Strouse, Director, Water Division, U.S. EPA Region No. IX
Steve Maguin, General Manager, Santa Clarita Valley Sanitation District of LA County
Ventura County Board of Supervisors
Rob Roy, Chairman, Ventura County Agricultural Coalition
John Krist, CEO, Farm Bureau of Ventura County
Jeff Pratt, Public Works Agency Director, Ventura County
Norma Camacho, WPD Director, Ventura County
Ewelina Mutkowska, County Storm Water Program Manager
Ron Bottorff, Friends of the Santa Clara River
Lynne Plembeck, SCOPE
Mark Gold, Heal the Bay

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation Implementation Tasks	Completion Date
14. Begin monitoring per approved Reach 4A Permittee monitoring plan.	One year after Executive Officer approval of Task 12 monitoring plan for Reach 4A Permittee
15. a) Implementation of Compliance Measures, Planning: The SCVSD shall submit a report of planning activities which include but are not limited to: (1) identifying lead state/federal agencies; (2) administering a competitive bid process for the selection of EIR/EIS and Engineering Consultants; (3) Development of Preliminary Planning and Feasibility Analyses; (4) Submittal of Project Notice of Preparation/Notice of Intent; (5) Preparation of Draft Wastewater Facilities Plan and Programmatic EIR; (6) Administration of Public Review and Comment Periods; (7) Development of Final Wastewater Facilities Plan and Programmatic EIR and incorporation and response to comments; (8) Administration of final public review and certification process; and (9) Filing a Notice of Determination and Record of Decision.	5 years after Effective Date of TMDL (05/04/2010)
b) Implementation of Compliance Measures, Planning: The SCVSD shall provide a schedule of related tasks and subtasks related to Task 15a), and provide semi-annual progress reports on progress of planning activities, thereafter, until completion of Final Wastewater Facilities Plan and Programmatic EIR.	5 years after Effective Date of TMDL (05/04/2010)
16. The Regional Board staff will re-evaluate the schedule to implement control measures needed to meet final conditional WLAs adopted pursuant to Task 10 d) and the schedule for Task 17. The Regional Board, at a public meeting will consider extending the completion date of Task 17 and reconsider the schedule to implement control measures to meet final conditional WLAs adopted pursuant to Task 10 d). The SCVSD will provide the justification for the need for an extension to the Regional Board Executive Officer at least 6 months in advance of the deadline for this task.	6 years after Effective Date of TMDL (05/04/2011)
17. a) Implementation of Compliance Measures, Complete Environmental Impact Report: The SCVSD shall complete a Wastewater Facilities Plan and Programmatic Environmental Impact Report for facilities to comply with final effluent permit limits for chloride.	6 years after Effective Date of TMDL (05/04/2011)
b) Implementation of Compliance Measures, Engineering Design:	6 years after

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation Implementation Tasks	Completion Date
The SCVSD will begin the engineering design of the recommended project wastewater facilities.	Effective Date of TMDL (05/04/2011)
c) Implementation of Compliance Measures, Engineering Design: The SCVSD will provide a design schedule of related tasks and sub-tasks, and provide semi-annual progress reports on progress of design activities, thereafter, until completion of Final Design. In addition the SCVSD will provide a construction schedule of related tasks and sub-tasks, and provide semi-annual progress reports on progress of construction activities, thereafter, until completion of recommended project wastewater facilities.	7 years after Effective Date of TMDL (05/04/2012)
d) Implementation of Compliance Measures, Construction: The SCVSD shall have applied and received all appropriate permits and have completed construction of the recommended project wastewater facilities.	9.5 years after Effective Date of TMDL (11/04/2014)
e) Implementation of Compliance Measures, Start-Up: The SCVSD shall have completed start-up, testing and certification of the recommended project wastewater facilities.	10 years after Effective Date of TMDL (05/04/2015)
18. The Regional Board Executive Officer may consider conditional SSOs for TDS and sulfate for Reaches 4B, 5, and 6 based on results of groundwater-surface water interaction studies on accumulation of TDS and sulfate in groundwater, potential impacts to beneficial uses, and an anti-degradation analysis.	7 years after Effective Date of TMDL (05/04/2012)
19. The Regional Board staff will re-evaluate the schedule to implement control measures needed to meet final conditional WLAs adopted pursuant to Task 10 d) and the schedule for Task 17. The Regional Board, at a public meeting will consider extending the completion of Task 17 and reconsider the schedule to implement control measures to meet final conditional WLAs adopted for chloride pursuant to Task 10 d). The SCVSD will provide the justification for the need for an extension to the Regional Board Executive Officer at least 6 months in advance of the deadline for this task. The Regional Board will also consider conditional SSOs and final conditional WLAs for TDS and sulfate based on results of Task 18.	9.5 years after Effective Date of TMDL (11/04/2014)
20. The interim WLAs for chloride shall remain in effect for no more	10 years after

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation Implementation Tasks	Completion Date
than 10 years after the effective date of the TMDL. Conditional SSO for chloride in the USCR shall be achieved. Final conditional WLAs for chloride in Reaches 4B, 5, and 6 shall apply by May 5, 2015. The Regional Board may consider extending the completion date of this task as necessary to account for events beyond the control of the SCVSD.	Effective Date of TMDL (05/04/2015)
21. The interim WLAs for TDS and sulfate contained in this BPA (Resolution No. R4-2008-012) shall be implemented no sooner than the effective date of this BPA, and shall remain in effect until May 4, 2015. Final WLAs shall apply by May 5, 2015 unless conditional SSOs and final conditional WLAs for TDS and sulfate are adopted as described in Task 19.	10 years after Effective Date of TMDL (05/04/2015)

Board of Supervisors
County of Los Angeles

February 2, 2011

MICHAEL D. ANTONOVICH
MAYOR

The Honorable Howard "Buck" McKeon
U.S. House of Representatives
2184 Rayburn HOB
Washington, D.C. 20515

Dear Congressman McKeon:

The Santa Clarita Valley Sanitation District (District) owns and operates the Saugus and Valencia water reclamation plants that serve approximately 230,000 residents of the City of Santa Clarita and surrounding unincorporated areas in Los Angeles County. Both of these water reclamation plants discharge to the Santa Clara River. The District also supplies recycled water to water agencies in the area for water reuse. The District's water reclamation plants produce a high quality filtered, disinfected recycled water that is put into the Santa Clara River and later used downstream for agricultural purposes.

The Los Angeles Regional Water Quality Control Board (Regional Board) has established water quality standards to protect the beneficial uses of the Santa Clara River, and has set the standards for chloride in the river at very low levels to protect salt-sensitive agricultural crops grown downstream such as avocados and strawberries. Thus, the Regional Board has adopted the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL) because the river does not meet the water quality standard for chloride. This TMDL requires that the level of chloride in recycled water discharged to the Santa Clara River from the District's facilities be reduced substantially to protect the downstream farmers from potential future harm from chloride. The Regional Board is requiring the Sanitation District to comply with the chloride TMDL requirements by May 2015.

The District estimates that the cost to comply with the TMDL requirements is from $250 - $500 million, which is an unacceptably high cost for a community of this size, particularly since the community will reap very few benefits locally from this huge investment. This is further aggravated by the fact the largest remaining source of chloride in the recycled water is from potable water (which is a blend of imported water from the San Francisco Bay-Delta and local groundwater), which the community cannot readily control.

Therefore, I write to ask that you sponsor legislation to modify the Clean Water Act, such that the District would not be required to take these extraordinarily expensive steps in order to meet water quality standards set solely for the economic benefit of downstream interests.

Proposal: Modify the Clean Water Act to specify that water quality standards and effluent limits need not be set to protect downstream off-stream uses of water that occur outside of a water body (with the exception of municipal & domestic water supply).

The Clean Water Act's important "goal" uses that are intended to make all waters throughout the U.S. "fishable & swimmable" would not be impacted by this narrow change.

Sincerely,

MICHAEL D. ANTONOVICH
Mayor

MDA:evo

Board of Supervisors
County of Los Angeles

February 9, 2011

MICHAEL D. ANTONOVICH
MAYOR

The Honorable Cameron Smyth
California State Assemblyman
State Capitol, Room 4098
Sacramento, CA 95814

Dear Assemblyman Smyth:

The Santa Clarita Valley Sanitation District (District) owns and operates the Saugus and Valencia water reclamation plants that serve approximately 230,000 residents of the City of Santa Clarita and surrounding unincorporated areas in Los Angeles County. Both of these water reclamation plants discharge to the Santa Clara River. The District also supplies recycled water to water agencies in the area for water reuse. The District's water reclamation plants produce a high quality filtered, disinfected recycled water that is put into the Santa Clara River and later used downstream for agricultural purposes.

The Los Angeles Regional Water Quality Control Board (Regional Board) has established water quality standards to protect the beneficial uses of the Santa Clara River, and has set the standards for chloride in the river at very low levels to protect salt-sensitive agricultural crops grown downstream such as avocados and strawberries. Thus, the Regional Board has adopted the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL) because the river does not meet the water quality standard for chloride. This TMDL requires that the level of chloride in recycled water discharged to the Santa Clara River from the District's facilities be reduced substantially to protect the downstream farmers from potential future harm from chloride. The Regional Board is requiring the Sanitation District to comply with the chloride TMDL requirements by May 2015.

The District estimates that the cost to comply with the TMDL requirements is from $250 - $500 million, which is an unacceptably high cost for a community of this size, particularly since the community will reap very few benefits locally from this huge investment. This is further aggravated by the fact the largest remaining source of chloride in the recycled water is from potable water (which is a blend of imported water from the San Francisco Bay-Delta and local groundwater), which the community cannot readily control.

ROOM 869 KENNETH HAHN HALL OF ADMINISTRATION, 500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

I write to ask that you sponsor legislation to modify the Porter-Cologne Water Quality Control Act, such that the District would not be required to take these extraordinarily expensive steps in order to meet water quality standards set solely for the economic benefit of downstream interests.

Modify the Porter-Cologne Water Quality Control Act to specify that water quality standards and discharge limits for salinity and salinity-related compounds for a publicly owned treatment works may not be set to protect off-stream beneficial uses of water occurring outside of a water body (with the exception of municipal & domestic water supply), where a major source of salinity to the publicly owned treatment works, directly or indirectly via the community sewer system, is the potable water supply.

This request is being made in concert with a request to Congressman McKeon to modify the federal Clean Water Act to ensure that States are not required to protect off-stream beneficial uses that may occur downstream from a discharge. It should also be noted that the federal Clean Water Act's important "goal" uses that are intended to make all waters throughout the U.S. "fishable & swimmable" would not be impacted by this narrow change.

Sincerely,

MICHAEL D. ANTONOVICH
Mayor

MDA:evo

Board of Supervisors
County of Los Angeles

February 9, 2011

MICHAEL D. ANTONOVICH
MAYOR

The Honorable Tony Strickland
Senator, State of California
State Capitol, Room 4062
Sacramento, CA 95814

Dear Senator Strickland:

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Sincerely,

Mike

MICHAEL D. ANTONOVICH
Mayor

MDA:evo

Board of Supervisors
County of Los Angeles

February 9, 2011

MICHAEL D. ANTONOVICH
MAYOR

The Honorable Jeff Gorell
California States Assemblyman
State Capitol
Sacramento, CA 95814

Dear Senator Gorell:

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Sincerely,

MICHAEL D. ANTONOVICH
Mayor

MDA:evo

NOTICE OF PUBLIC HEARING

SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY REGARDING A PROPOSED SEWER SERVICE CHARGE RATE INCREASE TO THE OWNER OF RECORD OF

Assessor's Parcel No. [redacted]
[redacted] SANTA CLARITA, CA 91351

You are receiving this official notice because the sewage generated on your property is discharged to the local sewer system for treatment and disposal by the Santa Clarita Valley Sanitation District. The District is responsible for properly treating and managing the wastewater generated in most of the City of Santa Clarita and some of the adjacent unincorporated county area. Your wastewater is first collected in the local sewer in front of your property and then transported by large regional trunk sewers to one of two regional treatment facilities, either the Saugus or Valencia Water Reclamation Plant (WRP). These two facilities treat approximately 20 million gallons of wastewater each day. The cost of operating the regional system is proportioned to each property owner based on the amount and strength of wastewater discharged from that parcel. The District works closely with members of your community and the surrounding area to ensure that all of your wastewater is managed in a safe, environmentally friendly, and cost-effective manner.

Operational costs and capital projects required to maintain the existing level of service show that a service charge rate increase is needed in the District. Increasingly more restrictive options for the management of biosolids (the solid matter removed from the wastewater) have caused operational costs to grow at a pace faster than that of normal inflation. Upgrades to the existing power distribution system are needed to replace outdated equipment and to help insure operational reliability at the WRPs. Likewise, improvements are being made to the existing pumping plant to provide facilities that will minimize the chances of a spill from the sewer system. Lastly, in accordance with the direction of the District's Board of Directors, the District has initiated activities related to compliance with Measure S. Accordingly, the District is proposing three years of sewerage service charge rate increases solely for the continued operation and maintenance of the sewers, pumping plants, and water reclamation plants in the most cost-efficient means available.

None of this increase will fund development of facilities to control chlorides in the Santa Clara River. While District staff will continue to work with the regulators, pursuant to Board Direction, to resolve the chloride issue in the most cost-effective and reasonable manner possible, no rate increase to support chloride-related facilities will be proposed until an acceptable plan is developed.

The cost of operating and maintaining the District's facilities and repaying the internal loans must be borne by existing users of the system. All property owners pay for use of the wastewater system based on the amount and strength of wastewater discharge. The current service charge rate is $16.58 per month ($199.00 per year) per sewage unit (a sewage unit is equal to the average discharge from a single family home). In order to adequately plan and budget for the District's annual financial obligations, the service charge rate will need to increase over the next three years. The recommended increase is $1.33 per month ($16.00 per year) per sewage unit each year for three years. As shown in the table below, even with the proposed rate increases, the service charge rate in the District will still be considerably less than what other similar wastewater agencies are currently charging. It should be noted that, in an effort to smooth rate increases in the near term to adjust to the full cost of service, the District has borrowed internally from restricted funds that were collected from new users of the sewerage system to pay for future expansions, with additional borrowing projected for next fiscal year. While this internal borrowing will allow the District meet budgetary expenditures in the near term, the borrowed funds will ultimately have to be paid back.

Service Charge Rate Comparison
(For comparable communities)

Community	Service Charge	
	$ per month	$ per year
Santa Clarita Valley[a]	20.58	247.00
Ventura[b]	25.00	300.00
Dist. 14 (Lancaster)[c]	30.00	360.00
Dist. 20 (Palmdale)[d]	31.75	381.00
Glendale[b]	33.70	404.40
City of Los Angeles[b]	35.24	422.83
Ojai[b]	52.07	624.84
Santa Paula[b]	77.21	926.52
Fillmore[b]	82.00	984.00

[a] Fiscal year 2013-14. District also receives $5.69 per month of ad valorem taxes. The County Department of Public Works charges $3.38 per month for local sewer maintenance.

You are currently paying $16.58 per month ($199.00 per year) for the wastewater you discharge from your property. If the proposed rate increase is approved, your charges in fiscal years 2011-12, 2012-13 and 2013-14 will be $17.92 per month ($215.00 per year), $19.25 per month ($231.00 per year), and $20.58 per month ($247.00 per year) respectively.

The District's Board of Directors (the mayor of Santa Clarita, a second member of the Santa Clarita City Council, and the chairperson of the County Board of Supervisors) will hold a public hearing on April 14, 2011, to consider public input on the proposed sewer service charge rates. The hearing will be held at 6:00 p.m. in the Santa Clarita City Council Chambers, 23920 Valencia Boulevard, Santa Clarita. Written comments may also be submitted through the mail to the District at P.O. Box 4000, Whittier, CA 90607-4000 and must be received prior to the hearing. You may also call Districts staff at (888) 808-1118 or (562) 908-4871 with questions and comments.

Additionally, in order to provide you with more information and to answer questions you may have, information meetings will be

SCOPE
Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386

3-16-11

Los Angeles County Regional Planning Commission
Mr. Sam Dea, Supervising Planner, and Ms. Blenguini
320 W. Temple St..
Los Angeles, CA 90012

Please Copy to All Commissioners

Re: Mission Village and Newhall Ranch Sanitation District

Dear Commissioners, Mr. Dea and Ms. Blenguini

We regret that no one from our group is able to attend your meeting today.

We would like to especially express our concern over the issue of the Newhall Ranch Water Treatment Plant. The Newhall Ranch Specific Plan stated that a new sanitation plant would be built to serve this project. In a letter dated in 2003 commenting on this issue for the Specific Plan DEIR, the Los Angeles Regional Water Quality Control Board stated that the chloride issue would be addressed in the permitting process by requiring releases to the Santa Clara River meet the chloride TMDL. The permit, granted in 2007, in fact required that the 100mgl TMDL be met, with the thought that this plant, promising to be operated with reverse osmosis, would reduce the overall chloride level on the river. Now Newhall is instead proposing to run the first 6000 units through the existing Valencia Sanitation Plant.

While Newhall now claims that it disclosed and discussed this issue in the Mission Village EIR, the full ramifications of this change, including the issue of chlorides was in fact not discussed.

It now appears that Newhall always planned to do this, A 2002 contract, made without benefit of CEQA, between Newhall and the Sanitation Districts was made public at the January 18th Board of Supervisors hearing (agenda item 25). We assert that failure to disclose this contract during the evaluation of the specific plan, and thus address its affect on the chloride issue, really constitutes an attempt to hide information needed by your Commission for complete decision making on this subject.

Newhall, working with the Sanitation Districts, claims that there would be no affect from their use of the existing plant. In fact, chloride levels of wells intended for use in the Landmark and Mission Village DEIRs are very high and would not meet the current TMDL for chlorides when household salt loads are added. This information was clearly documented in our comment letter on this project.

The Valencia Treatment plant is already out of compliance with the TMDL for chlorides in the Santa Clara River. Although the Sanitation Districts have been aware of this problem since 1979, they have done nothing to address the issue as the use of imported water and the salt levels

continued to rise in the river. Tax payers are now being asked to foot the bill for a needed upgrade to address this issue, while the Sanitation Districts have clearly stated that no increase in connection fees for Newhall is in the offing.

The Newhall Ranch Specific Plan clearly stated that Newhall was to pay for infrastructure expansion, not the existing residents. The chloride releases from the sanitation plant were not addressed in the specific plan because Newhall's use of the Valencia Treatment plant was never discussed. Had it been, your commission and the Supervisors would have undoubtedly required mitigation to address this issue.

This company has already cost the tax payers an enormous amount of money through its bankruptcy proceedings and defaults on loans involving the California Public Employees Retirement Fund. Now they propose to have the tax payers pick up the tab for the added chloride load at the Valencia treatment plant.

If Newhall Ranch is allowed to use the Valencia treatment plant, what guarantee is there that they will ever build the Newhall Ranch Plant? This new proposal appears to be merely a ploy to avoid building the infrastructure that was originally promised and instead have the tax payers continue to pay for the chloride problem.

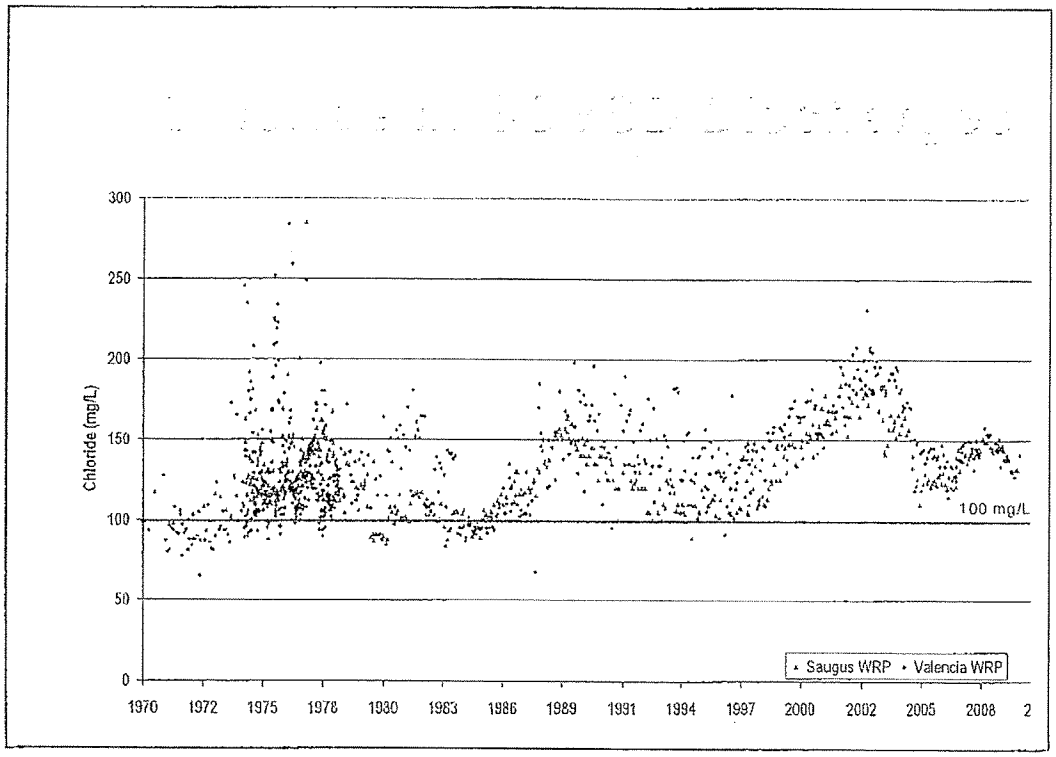
We ask that your Commission address this issue before any further approval is granted by requiring that Newhall provide facilities and pay the full cost of treating its water to meet the chloride TMDL as it would have had to do if it built the Newhall Ranch Sanitation Plant or build the plant as proposed. If the former course is chosen, the EIR must fully disclose the chloride promblem so that appropriate mitigation can be devised to address it.

Sincerely,

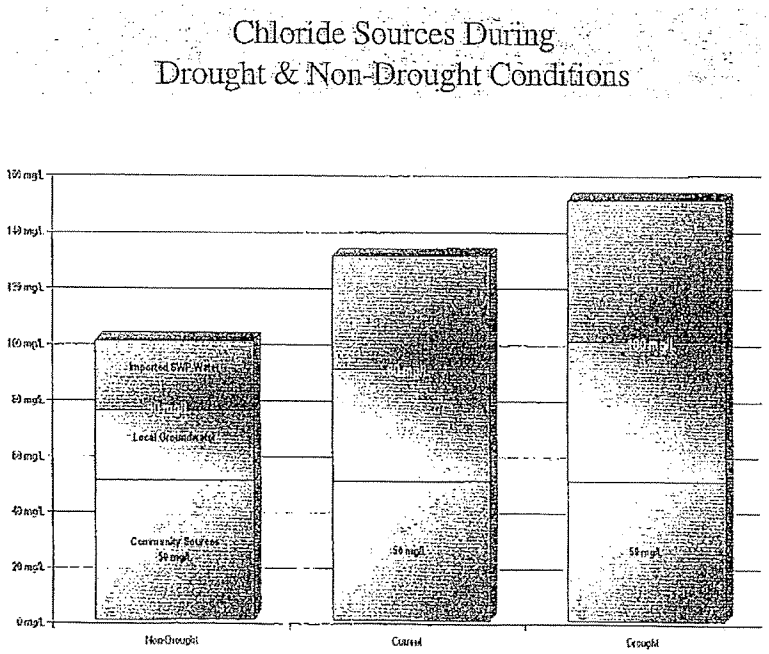
Lynne Plambeck
President

Chloride charts from our previous submittal

Currently the Sanitation Districts 26 and 32 in the Santa Clarita Valley do not comply with the Clean Water Act Total Maximum Daily Load (TMDL) effluent standard of 100 ugl of Chloride as indicated by the chart below supplied at a recent Sanitation District public hearing:



The Santa Clarita Sanitation Districts' failure to meet the Clean Water TMDL standard for chloride of 100mg/l in the Santa Clara River is a result in part to the sharp and continuing increase in the use of imported State Water Project (SWP) water as seen by the chart below, (from the Sanitation Districts).



COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

STEPHEN R. MAGUIN
Chief Engineer and General Manager

May 9, 2011

Mr. Samuel Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Dear Mr. Unger:

Upper Santa Clara River Chloride TMDL

The Santa Clarita Valley Sanitation District of Los Angeles County (Sanitation District) submits this letter in response to concerns raised in letters from Ventura County Supervisor Kathy Long, the Ventura County Agricultural Water Quality Coalition (VCAWQC) and the United Water Conservation District (UWCD) to the California Regional Water Quality Control Board – Los Angeles Region, dated April 26, April 29, and April 29, 2011, respectively. The letters from the Ventura County stakeholders cite a perceived lack of progress by the SCVSD toward compliance with the Upper Santa Clara River Chloride TMDL (Chloride TMDL) and request that the Regional Board take punitive actions against the Sanitation District at its next board meeting. While the Sanitation District recognizes the Ventura County stakeholders' concern with the Sanitation District's decision not to implement certain elements of the Alternative Water Resources Management Plan (AWRM, also known as the Alternative Compliance Plan or ACP), action on the part of the Regional Board is not necessary at this time as substantial progress is continuing and water quality has improved greatly since the Chloride TMDL was adopted.

Improvement to water quality is the direct result of the Sanitation District's unprecedented removal of nearly all automatic water softeners in the community and a lowering of the chloride level in imported water. Effluent quality from the Sanitation District's Water Reclamation Plants has greatly improved in recent years as shown in the attached Figure 1. These improvements in effluent quality have also contributed to chloride levels at the point of compliance in the Santa Clara River being close to or below the 117 mg/L site specific objective for the last several years as shown in the attached Figure 2.

The letters submitted by Ventura County stakeholders generally claim threats to Ventura County interests that are not and cannot be supported factually and are clearly meant to incite the Regional Board. There has never been a threat to public health as a result of chlorides in the Santa Clara River as claimed by Supervisor Long. The secondary drinking water maximum contaminant level for chlorides established by the State (for aesthetics only, not protection of public health) is 250 mg/L yet the highest observed levels at the Los Angeles / Ventura County line have not exceeded 160 mg/L in decades. Further, UWCD has never provided the Regional Board or the Sanitation District any scientifically valid analysis of their claims of westward progression of an elevated groundwater chloride front. Even if movement of

a front could be proven, the effect of the substantial improvement in water quality the last several years would not be observed due to the very slow travel time in groundwater. Finally, the condition and sustainability of the Ventura County agricultural industry has only a limited connection to Sanitation District discharges to the Santa Clara River. It is hard to corroborate the alleged damage associated with the Sanitation District's discharge as agricultural crop values continue to increase from year to year.

Although there is no apparent impairment of the agricultural beneficial use, the Sanitation District is not suggesting it halt its efforts to reduce chloride levels and continues to work toward a compliance solution in good faith. The Sanitation District has proposed a Revised ACP that, if approved by the Regional Board, will maintain the water quality the stakeholders and the Regional Board sought with the original ACP while preserving and enhancing the environment with a lower carbon footprint at a lesser cost to the ratepayers.

The suggestion in the Ventura County's stakeholders' letters that the Regional Board require the Sanitation District to comply immediately with a 100 mg/L effluent standard is not based on good science or policy and will only result in a waste of limited public funds. The Sanitation District urges the Regional Board instead to continue to work with Sanitation District staff and other stakeholders and allow the Sanitation District to complete the studies your staff requires to evaluate the merits of the Revised ACP before taking further action. This request, further elaboration of the Sanitation District's position, and the Sanitation District's responses to some of the assertions made in the Ventura County Stakeholders' letters are detailed in the Attachment.

Very truly yours,

Stephen R. Maguin

Raymond Tremblay
Assistant Department Head
Technical Services

Attachment

cc: Regional Board Members
E. Michael Solomon, UWCD
Rob Roy, VCAWQC
Ventura County Supervisor Kathy I. Long

Sanitation District's Position

Implementation of All of the Elements of the ACP is No Longer Necessary To Protect Water Quality

As you are aware, the stakeholder-led process that developed the original ACP was based on the best available information at the time and was approved by the Regional Board under Resolution R4-2008-012. In the 2.5 years since then, water quality at the Los Angeles/Ventura County line where the beneficial use must be protected has been generally in compliance with the Site Specific Objective (SSO) for chloride of 117 mg/L (See Figure 2). This is especially remarkable given the fact that the period of 2007 through March 2011 was a drought[1]. This improvement can be attributed to removal of automatic water softeners and improved quality of imported water.

Historically, chloride levels in the Santa Clara River at this location have been much higher due in part to high levels of chloride in imported State Water Project deliveries during drought periods. The local State Water Project (SWP) water wholesaler, the Castaic Lake Water Agency (CLWA) has provided new information regarding the assumptions of future water quality in imported SWP water. CLWA has indicated that changes in SWP operation due to recent Biological Opinions for the protection of endangered species (Wanger Decision) and completion of water banking programs have and will continue to result in lower peak chloride levels in the imported water delivered to the Santa Clarita Valley. This is evidenced in the data (Figure 3) which indicate that chloride levels in imported water were as high as 140 mg/L in 1987-1992, only reach the low 80's during the most recent drought (2007-2011). This indicates that some elements of the ACP may no longer needed since the original ACP was designed to provide compliance with the Chloride TMDL assuming the worst observed conditions from the 1987-1992 drought that are not likely to repeat themselves.

Revised ACP Proposal Will Ensure Compliance and Provide Similar Quality and Supply Benefits

The Sanitation District has already done considerable work in developing the preliminary elements of a Revised ACP for Regional Board and Ventura County stakeholder consideration. Immediately following the service charge hearings in July 2010, during which rates to support chloride reduction facilities were not approved, the Sanitation District met with CLWA and local water agencies in order to validate the predictions of improved future SWP water quality. The Sanitation District believes this will enable compliance with the SSOs adopted by the Regional Board in 2008 under future hydrological conditions and provide a similar level of water quality and water supply benefits as the original ACP, without the need for costly and energy-intensive advanced wastewater treatment facilities (Reverse Osmosis or RO). Elimination of RO from the ACP will also eliminate the need for associated brine disposal and RO permeate conveyance facilities. This will reduce the construction impacts and energy intensity of the compliance project. The Revised ACP is fully outlined in the Sanitation District's May 2, 2011 submittal to the Regional Board.

The Sanitation District Needs Time to Evaluate the Revised ACP In Accordance with Regional Board Requirements

The Ventura County stakeholder letters contend there is a lack of progress on compliance on the part of the Sanitation District but this only speaks to the Sanitation District's lack of progress on some of the original ACP program elements Ventura County stakeholders desire that are no longer necessary to

[1]In 2008, Governor Arnold Schwarzenegger signed Executive Order S-06-08, which proclaimed a condition of statewide drought beginning in 2007. In March 2011, Governor Jerry Brown issued a proclamation declaring the statewide drought at an end.

achieve the same water quality the original ACP was designed to achieve. The Sanitation District continues to vigorously enforce the automatic water softener ban in an attempt to remove the remaining units. Furthermore, the Sanitation District is moving forward with an evaluation of future SWP water quality as suggested by the Regional Board. As you recall, the Sanitation District met with Regional Board staff to discuss conditions under which the Regional Board would consider new alternatives for compliance with the Chloride TMDL. The feedback received from the Regional Board indicated that any Chloride TMDL compliance alternative would have to provide similar benefits as the original ACP in order to justify water quality objectives in the range of the conditional SSOs adopted by the Regional Board in December 2008. The Regional Board also indicated additional scientific studies supporting the predicted improvements to future SWP water quality would be required in order for the Regional Board to consider revisions to the Chloride TMDL based on these predictions. Accordingly, the Sanitation District funded a study conducted by the CLWA to provide the required scientific basis to support the predictions of improved SWP water quality. In addition, the Santa Clarita Valley water agencies are evaluating changes in groundwater management practices that would limit chloride levels in the groundwater portion of the local water supply. In combination, these changes are likely to result in maximum chloride levels of 80-85 mg/L in the overall water supply to the community, which would enable the Sanitation District to meet the 2008 conditional SSOs through the Revised ACP proposed by the Sanitation District.

The Sanitation District expects the CLWA study to be completed by late summer 2011 and, if the results are favorable, the Sanitation District proposes to evaluate the Revised ACP using the GSWI Model and prepare SSO and anti-degradation studies in support. As discussed in the May 2, 2011 report, the Sanitation District proposes to confirm feasibility of the Revised ACP and establish revised regulatory requirements through a collaborative process. These steps would allow finalization of the Revised ACP, further development of the facilities plan, completion of associated CEQA analysis, and implementation of the final ACP.

Ventura County Stakeholder Requests for Regional Board Action Are Not Warranted and Will Not Ensure Compliance

In the letters sent to the Regional Board, the Ventura County Stakeholders requested the Regional Board take immediate action on the Chloride TMDL to bring the Sanitation District into compliance. These include requests for punitive remedies, immediate reversion to the 100 mg/L standards and issuance of a Cease and Desist Order to the Sanitation District with "a short as possible time schedule to comply." These requested actions are all punitive in nature and will not lead to more rapid achievement of better water quality. As you are aware, the SSOs adopted by the Regional Board were conditioned on implementation of the original ACP. The Chloride TMDL is clear in that if these criteria are not met, the existing water quality objectives in the Basin Plan revert back to 100 mg/L. Pending the results of the Sanitation District's studies, the Sanitation District has requested the Regional Board reopen the Chloride TMDL to incorporate the Revised ACP. This likely cannot happen until 2012 after the studies are completed and the Regional Board has reviewed them. Therefore, no action is required by the Regional Board to rescind the conditional SSOs adopted in 2008 at this time.

Further, the requests by Ventura County stakeholders to impose immediate effluent limits of 100 mg/L in the Sanitation District's NPDES permits is inappropriate as this would go far beyond the need to protect the beneficial uses of the river. The Literature Review Evaluation study conducted as part of the Chloride TMDL found that a protective range for salt sensitive agricultural crops from 100 – 117 mg/L for chloride in irrigation water. Chloride levels in the Sanitation District's Saugus and Valencia Water Reclamation Plant discharges are typically 15-20 mg/L higher than chloride levels in the Santa Clara River near the point of compliance. It is very clear that dilution occurs between the discharges and the point of use over the long term. Failing to consider this fact would result in overstringent regulation. Specifically, imposing effluent limits of 100 mg/L for the WRPs would require large expenditures of

public funds without providing additional protection to beneficial uses. This would also result in substantially more environmental impacts associated with the construction of facilities to convey and dispose of brine and the greenhouse gas emissions from the energy needed to operate the necessary treatment and disposal facilities.

Compliance with a strict 100 mg/L chloride effluent limits requires implementation of advanced treatment facilities that would require considerable time for planning, design and construction. The Sanitation District could not immediately comply and would in fact need a time extension from the 2016 date contemplated in the Chloride TMDL for compliance with 100 mg/L.[2] The original Chloride TMDL Implementation Schedule provided an eight-year period for the planning, design and construction of the required facilities. In 2006, the Regional Board reduced the Chloride TMDL implementation period but kept intact the eight-year period required for planning, design and construction of the required facilities. In 2008, the original ACP, which included a smaller-scale advanced treatment facility and local brine disposal, allowed the Chloride TMDL implementation schedule to be revised to include only six years for planning, design and construction of the required facilities. If the Regional Board requires 100 mg/L as an effluent limit, the Sanitation District will likely need eight years to comply.

Sanitation District's Responses to Specific Points in Ventura County Stakeholder Letters

The following comments are in response to specific comments made by Supervisor Long (April 26, 2011), the United Water Conservation District (UWCD, April 29, 2011), and the Ventura County Agricultural Water Quality Coalition (VCAWQC, April 29, 2011).

VCAWQC and UWCD Comment (Page 2, last paragraph):

> *... **the chloride problem has continued unabated in the East Piru Basin** along Reaches 4A and 4B and is beginning to contaminate groundwater wells farther west and adjacent to the Santa Clara River.*

Response:

The VCAWQC letter inaccurately states that the chloride problem has continued unabated. As shown in Figure 1, chloride levels in the Sanitation District's WRP discharges have decreased since 2002. Chloride levels in the WRP discharges when the Regional Board originally adopted the Chloride TMDL in 2002 were approximately 190 mg/L. Current chloride levels in the WRP discharge for 2011 are approximately 125 mg/L. During the same periods, chloride in SWP water averaged 83 mg/L in 2002 and 72 mg/L in 2011, a decrease of only 11 mg/L while chloride in the WRP discharges decreased approximately 65 mg/L.

In addition, there is no clear evidence of groundwater well contamination further west based on available data provided by the UWCD, shown in the tables below. Presentations made by UWCD staff at past Regional Board meetings claiming to demonstrate increases in chloride levels are misleading and based on an incomplete data set. UWCD has presented figures that seem to indicate an increase in the number of wells over 100 mg/L in the West Piru basin, however, these figures are misleading as the increase in the number of wells is a direct result of this increase in sampling of additional wells (two wells sampled in 2008 and eight in 2010), not evidence of an "unabated" chloride problem. As shown in the tables below, the sampling frequency in the Piru Basin has been inconsistent and therefore it is difficult to

[2] Regional Board Resolution No. R4-2006-016 revised the TMDL Implementation plan to achieve compliance with final waste load allocations for chloride of 100 mg/L by May 4, 2016.

discern a trend of chloride in groundwater. Furthermore, it's inappropriate to look at a set of well data without also considering hydrology and other potential sources of chloride.

Year	West Piru Groundwater Wells													
	V-0039	V-0042	V-0049	V-0051	V-0052	V-0053	V-0060	V-0061	V-0062	V-0070	V-0077	V-0093	V-0095	V-0121	# Wells Sampled
1995															0
1996							46								1
1997															0
1998								59							1
1999							46			87					2
2000						99	45								2
2001						88	48			100					3
2002						84	50	44							3
2003						122		64							2
2004		138					69	74							3
2005		132				62	51	87			67			100	6
2006		96				91	45	39	55		67			103	7
2007		115				91	47	49	62		81			99	7
2008		124	67		81	100		77	69		104			88	8
2009		130	93		120	113			75		90			76	7
2010		128	106		120	115			100		113			83	7

Year	East Piru Groundwater Wells				
	V-0012	V-0013	V-0031	V-0036	# Wells Sampled
1992			110		1
1993			137		1
1994			120		1
1998			100	96	2
1999	108		103		2
2000	119				1
2001	126			119	2
2002	136				1
2003	143				1
2004	140	146		153	3
2005	148			147	2
2006	142			128	2
2007	117			130	2
2008	143		121	131	3
2009	148			131	2
2010	160			126	2

VCAWQC and UWCD Comment (Page 3, third paragraph):

> *In July 2010, the Sanitation District sent a Prop 218-style notice to approximately 35,000 ratepayers in the Santa Clarita Area serviced by the Sanitation District. The Coalition is informed and believes that approximately 7,000 ratepayers responded negatively to the proposed increase. Accordingly, the rate increase should have gone into effect. However, the Sanitation District, responding to a vocal minority outcry of citizens, unilaterally rejected the rate increase thereby eliminating the key source of funding for the Sanitation District to comply with its obligations under the AWRM.*

Response:

While the Sanitation District is exempt from the voting requirements, it must still follow the process specified under Proposition 218. Implementation of rates under Prop 218 is a multi-step process involving individual noticing, a public hearing, and then introduction and adoption of the implementing ordinances. Specifically, the process begins when the Sanitation District Board receives and files a service charge report pursuant to the requirements of the California Health & Safety Code. The service charge report itself does not set the rates; however, it does provide information on what charges are being proposed for collection on the property tax roll. At the same time the Board receives and files the service charge report, it will also authorize the printing and mailing of the public notices required under Prop 218.

Under Prop. 218, an individual notice must be mailed to every property owner whose parcel is connected to the sewer system. In addition to information about the proposed rate increase, the notice provides information to the property owners on how to submit a protest. While most fees and charges are subject to a vote of the property owners, Prop 218 specifically exempts water, wastewater, and trash collection fees from this requirement. Before any action can be taken to implement new rates, the Sanitation District Board must hold a public hearing to consider all public input received. Under the provisions of Prop 218, the Sanitation District Board can take <u>no</u> action on the proposed rates if written protests are submitted by more than 50% of the owners of the impacted parcels. After considering all of the public input, the Sanitation District Board can vote either to introduce a service charge rate ordinance and consider adoption of the ordinance at a subsequent Board meeting, requiring a two-thirds vote, or not approve the rate increases.

In 2009 and 2010, the Sanitation District attempted to implement the Prop 218 process by proposing increased sewer service charge rate increases necessary to implement the original ACP program. Upon providing notice to the affected property owners, the Sanitation District received strong opposition from its constituents. The Sanitation District's elected officials could not support the proposed rate increase in the face of this public opposition, declining to adopt the proposed rate increases.

VCAWQC and UWCD Comment (Page 4, second paragraph) in VCAWQC letter:

> *One of the arguments being made is that economic hardship to the Sanitation District's ratepayers will result if the Sanitation District is required to proceed with the AWRM program. While the Coalition is sympathetic to these rate payers during recent economic times, it should be noted that the Sanitation District's sewer rates, compared with other water/wastewater rates in California, are one of the lowest in Southern California, even taking into account the proposed rate increase that includes the AWRM program. Indeed, the rate proposed by the Sanitation District would have been phased in over a 5-year period and would not have exceeded approximately $50.00 per month per ratepayer.*

and

Supervisor Long's Comment (Page 2, fourth paragraph):

> *One of the arguments being made is that economic hardship to the SCVSD-LA County ratepayers will result if they proceed with the AWRM program. While I am sympathetic in these economic times, it should be noted that the SCVSD-LA County's rates, compared with other water/wastewater rates in California, are one of the lowest in Southern California, even taking into account the proposed rate increase that includes the AWRM program.*

Response:

The Sanitation District takes pride in providing a high level of service in the most economical way possible. It should be noted that in addition to the Sanitation District's service charge, ratepayers pay a portion of their property tax, which comes to the Sanitation District, as well as fees for local sewer service. The reason the Sanitation District has been able to maintain competitive service rates is that the Sanitation District's ratepayers supported an investment in modern water recycling facilities and have paid for them over the last several decades, in part with federal funding that was available at the time. Communities that are currently implementing wastewater facilities equivalent to those currently operated by the Sanitation District would be expected to require significant rate increases due to increased costs of construction and lack of available federal funding. The Regional Board should not attempt to penalize the Sanitation District for making these environmentally and financially sound investments many years ago, resulting in the current service charge rates. It should be noted, however, that adoption of the rates necessary to implement the original ACP would not have left the Sanitation District with rates among the lowest in Southern California, as the most recent data indicates the statewide average charge for sewer service is approximately $33.82 (2007-08).

VCAWQC and UWCD Comment (Page 4, third paragraph):

> *The efforts of the Sanitation District to avoid its obligations under the AWRM, do not end there. In a recent Notice of Public Hearing regarding a proposed sewer service charge rate increase in Santa Clarita, the Sanitation District conducted still another Prop 218 vote with respect to a proposed sewer service charge rate increase in April 2011. In the Notice of Public Hearing it states in pertinent part:*
>
> > *"None of this increase will fund development of facilities to control chlorides in the Santa Clara River. While the District staff will continue to work with the regulators, pursuant to Board direction, to resolve the chloride issue in the most cost-effective and reasonable manner possible, no rate increase to support chloride-related facilities will be proposed until an acceptable plan is developed..."*
>
> *Clearly, the Sanitation District's Board has evinced a clear intent to not comply with the terms of the AWRM.*

Response:

As previously explained, while the Sanitation District must follow certain requirements, Prop 218 specifically exempts water, wastewater, and trash collection fees from requiring a vote of the ratepayers.

The Sanitation District must ensure sufficient funding to maintain continued operation of its existing treatment facilities to protect public health and the environment. Due to the strong public opposition to raising service charge rates to pay for implementation of Chloride TMDL compliance projects, the Sanitation District declined to adopt any increase in service charge rates as necessary to cover existing operations and maintenance costs for its facilities. In order to ensure adequate funding for these costs, it was necessary to separate the rate increase necessary for these additional expenses to facilitate public understanding of the difference between the rate increases needed for existing facilities with the rate increases needed for Chloride TMDL compliance.

The Sanitation District fully understands the necessity of future rate increases to implement Chloride TMDL compliance measures. However, as the Sanitation District continues to work on developing the Revised ACP, there remains considerable uncertainty as to cost. The Sanitation District is unable to propose increased service charge rates until additional work is completed.

VCAWQC and UWCD Comment (Page 4, fifth paragraph):

> *Furthermore, in a recent meeting conducted at the offices of the United Water Conservation District in February 2011, representatives of the Sanitation District had the audacity to propose still a new alternative, with no specific plan in mind, and no basic studies supporting their supposed alternative plan. The Coalition believes that this meeting was scheduled for the sole purpose of providing the Sanitation District with a reason to go back to the Board's staff to indicate that the stakeholders were receptive to still another alternative that was more amenable to the Sanitation District and its constituents.*

Response:

The Sanitation District did have a specific plan that it presented to the Ventura County stakeholders in February 2011, which does provide very substantial benefits to Ventura County.

VCAWQC and UWCD Comment (Pages 4-5, sixth paragraph):

> *As if this were not a compelling story already, there is one last piece of the puzzle that has recently surfaced demonstrating that the chloride situation in the upper Santa Clara River will worsen without the LA Board's intervention. The Coalition is in receipt of the attached letter dated March 16, 2011, from the Santa Clarita Organization for Planning and the Environment ("SCOPE") to the Los Angeles County Region Planning Commission with reference to a proposed development of approximately 6,000 homes in a proposed Mission Village development that would have been treated by the Newhall Ranch Water Treatment Plant. As the attached letter demonstrates, in a letter dated 2003, commenting on this issue for the specific plan DEIR for this proposed development project, the LA Board stated that the chloride issue would be addressed in the permitting process by requiring releases to the Santa Clara River to meet the chloride TMDL. The permit, granted in 2007, in fact required that the 100 mg/L TMDL be met, with the thought that this water treatment plant, promising to be operated with reverse osmosis, would reduce the overall chloride level in the River. Now, however, Newhall is instead proposing to run the first 6,000 units in this project development through the existing Valencia Sanitation District!*

Response:

The interconnection Agreement with Newhall Ranch was executed in 2002. The Sanitation District does not itself approve growth but it is the Sanitation District's obligation to serve approved growth. The wastewater from Newhall Ranch will be similar in quality to the wastewater from the Valencia WRP and will not raise the chloride concentration of the Valencia WRP discharge.

VCAWQC and UWCD Comment (Page 5, fourth paragraph):

> *The foregoing process, which began in 2002, remains unabated for the last nine years, and if left to the control of the Sanitation District, will continue unabated through the end of the Chloride TMDL Implementation Plan in 2015. Clearly, the foregoing actions of the Sanitation District evince an intent to delay and fail to comply with the mandates under the AWRM and Chloride Implementation Plan under the guise of economic difficulties. This argument is wearing thin on the stakeholders of Ventura County and should be acknowledged by this Honorable Board as nothing more than a ploy to delay the Sanitation District's obligations under the foregoing laws.*

Response:

As indicated above, the Sanitation District has made considerable progress in reducing chloride levels in its WRP discharges to the Santa Clara River. As shown in Figure 1, chloride levels in the Saugus and Valencia WRPs have been reduced from approximately 190 mg/L in 2002 down to approximately 125 mg/L in 2011, a decrease of approximately 65 mg/L. During the same period, chloride in SWP water averaged 83 mg/L in 2002 down to 72 mg/L in 2011, a decrease of only 11 mg/L. Much of the decrease in chloride levels is a direct result of the Sanitation District's efforts.

Additionally, chloride levels in SWP water during the most recent drought, 2007 to 2010, averaged approximately 75 mg/L, whereas chloride levels during the previous statewide drought, 1987 to 1992, averaged nearly 110 mg/L. CLWA has indicated that this is a result of changes in SWP operation due to recent Biological Opinions for the protection of endangered species (Wanger Decision) and completion of water banking programs along the SWP.

Supervisor Long's Comment (Page 2, fifth paragraph):

> *Unfortunately, further delay in the implementation and compliance with the Chloride TMDL results in daily degradation of our water resources, and continual impairment of Ventura County's agricultural beneficial uses.*

Response:

As previously indicated, evidence of "daily degradation" in the Piru basin has not been provided. Chloride levels in the Sanitation District's discharges and the Santa Clara River continue to improve as a direct result of the Sanitation District's efforts as shown on the attached figures. This substantial improvement in water quality over the last several years would not be expected to be immediately observed in groundwater further downstream due to the very slow travel time in groundwater. Furthermore, as discussed above, there is no evidence of continual impairment based on data available today. Please see response above to VCAWQC and UWCD letters.

Figure 1. Saugus and Valencia WRPs Chloride Levels

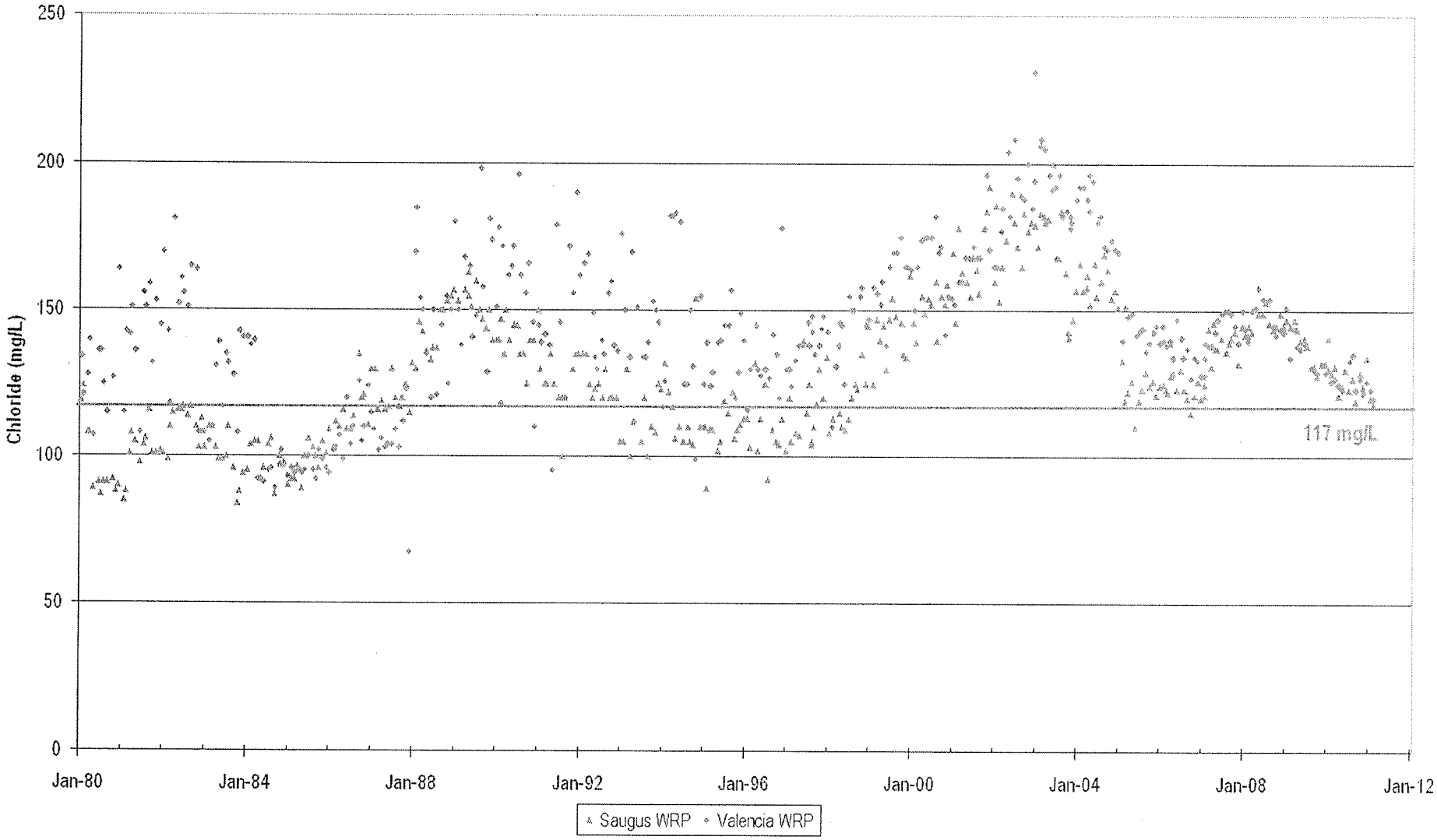


Figure 2. Santa Clara River near Los Angeles – Ventura County Line Chloride Levels

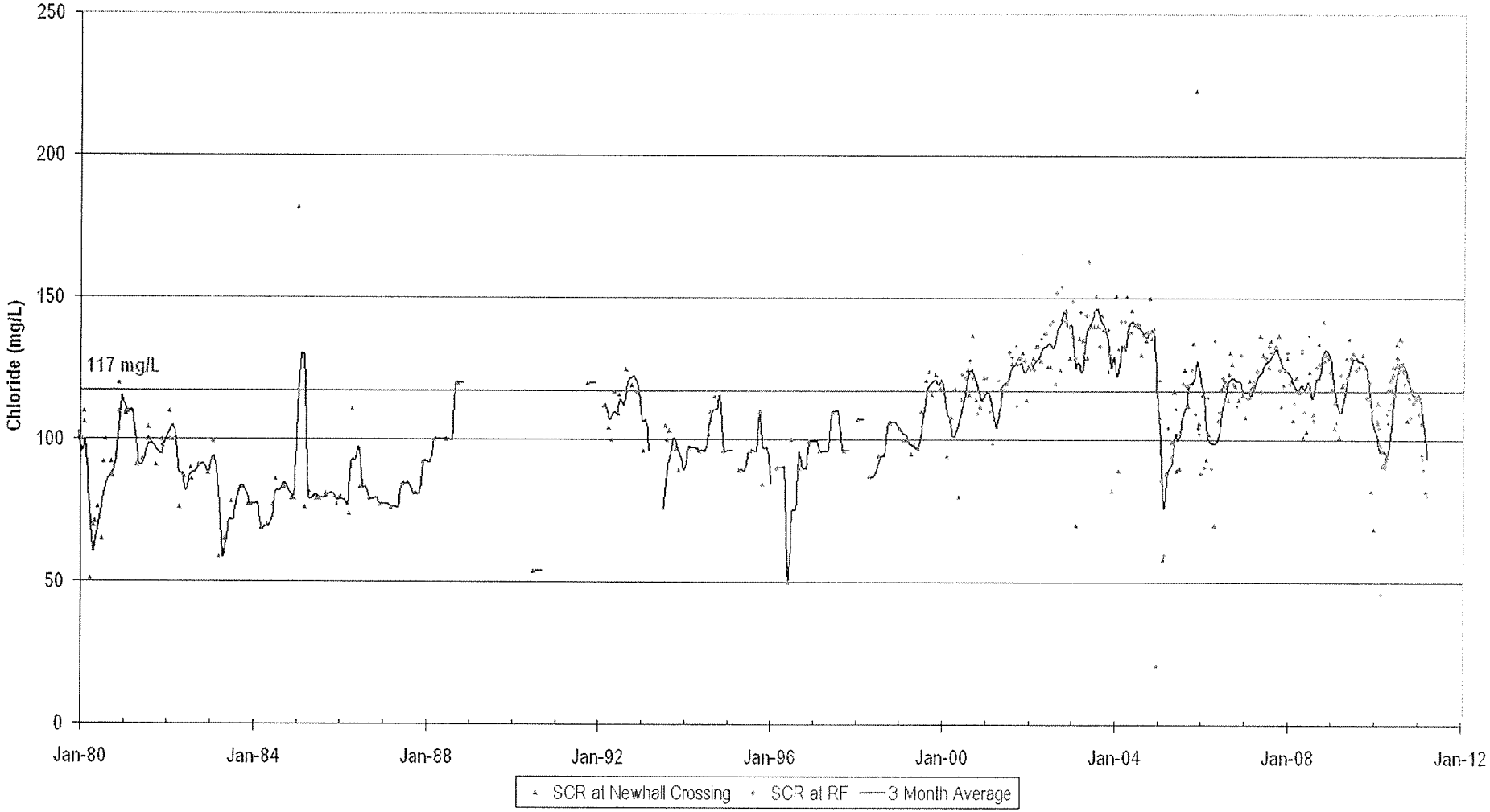
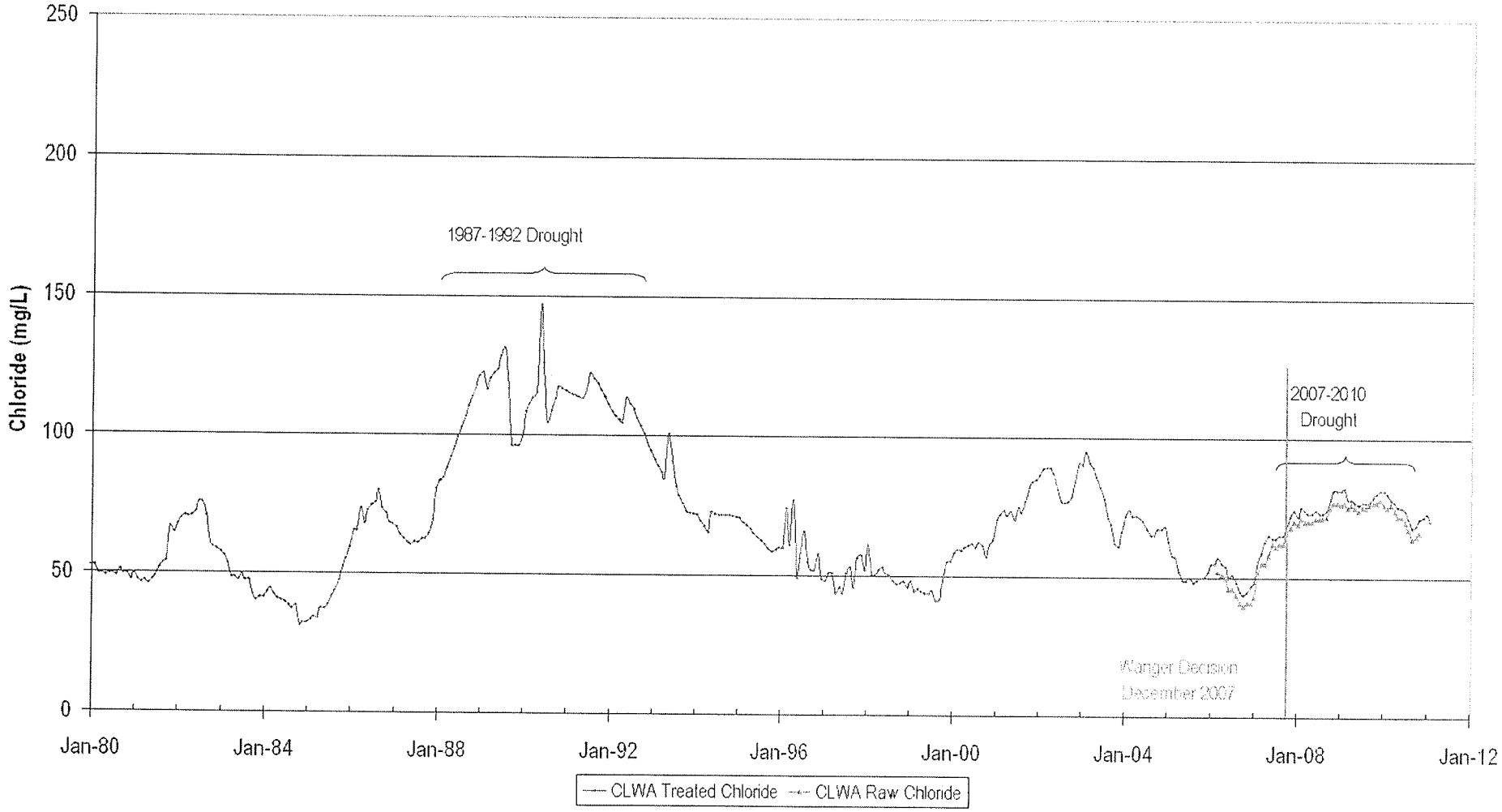



Figure 3. CLWA SWP Historic Chloride Levels