



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

County Staff Responses to Public Correspondence

September 30, 2011

LANDMARK VILLAGE PROJECT

**COUNTY PROJECT NO. 00-196(5)
GENERAL PLAN AMENDMENT NO. 00-196
SUBPLAN AMENDMENT NO. 00-196
SPECIFIC PLAN AMENDMENT NO. 00-196
VESTING TENTATIVE TRACT MAP NO. 53108
SEA CONDITIONAL USE PERMIT NO. 200500112
OAK TREE PERMIT NO. 00-196
OFF-SITE MATERIALS TRANSPORT APPROVAL NO. CUP 00-196
CONDITIONAL USE PERMIT (OFF-SITE GRADING) CUP 00-196
STATE CLEARINGHOUSE NO. 2004021002**



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**BOS-1 Letter to Board of Supervisors from Friends of the Santa Clara River (Ron Bottorff),
dated September 12, 2011**

Friends of the Santa Clara River
660 Randy Drive Newbury Park, CA 91320 805-498-4323
www.FSCR.org

September 12, 2011

Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Re: Opposition to Approval of Landmark Village (**County Project No. 00-196-5**)

Dear Members of the Board of Supervisors,

The Final EIR Response 5 (page 2D-127) to Friends January 21 letter still provides no real answer as to why over 100 acres of the Santa Clara River floodplain is being taken for development when there are thousands of acres of uplands available for development in the vicinity. Elevating vast areas of the existing floodplain areas using fill up to 12 feet deep, so that these areas are no longer defined by FEMA as floodplains, does not alter the fact that the floodplain is being usurped for development.

Impacts to River Stability

A new memo by Stillwater Sciences (attached) has now raised extremely important questions related to hydrology/geomorphology sections of the Newhall Ranch EIS/EIR and the assertion that the project will have no "significant" impact on the river's stability. The memo makes clear that the overriding issue is that the project will halt sediment production and delivery from one of the most erosive upland areas of the entire watershed while increasing stormwater runoff volume. The stormwater will then flow through an active river corridor that will be significantly encroached upon and armored. In other words, because the river channel is currently adjusted to the high sediment loads delivered from these uplands and tributaries, cutting this off will starve the river and likely result in unintended changes to the river's morphology (and in turn, its current ecological function). River bed incision with associated bank erosion within the project reach and continuing downstream appear to be likely outcomes.

The Stillwater memo concludes with following statement: "Continued channel maintenance would therefore be expected in the long term as the remaining active river and tributary channels respond to this and other developments in the upper watershed. Some years or decades post-construction, full armoring of one of the last unconstrained reaches of the upper SCR seem likely. Encroachment into and armoring of the active channel boundaries of the mainstem river will undoubtedly

reduce ecological function in the river and riparian zone; this reach is presently the least constrained of the upper SCR and a significant fraction of the unconstrained river throughout the entire watershed.”

Cumulative Impacts

There is little doubt among local ecologists that the unprecedented growth in the Santa Clara River watershed over the last few decades has caused an array of cumulative impacts to flora and fauna of the river corridor, and that encroachment by development into the floodplain and terrace lands has resulted in habitat loss and fragmentation that will inevitably be followed by a decline in species and loss of biological diversity. The Final EIR claim (page 2D-146) that all Newhall development projects cover only a small portion of the watershed (2% is estimated), and that therefore cumulative impacts are small, is a completely inadequate response to the cumulative impacts issue. It is, in fact, a ludicrous argument. The Santa Clara watershed covers an area of approximately 1600 square miles. If Newhall development covers 2% of the watershed, that is still 32 square miles. **The total area of all riparian forests along the entire length of the Santa Clara River from the headwaters to the estuary is only about 6 square miles.** Thus, Newhall projects alone (ignoring all other development) consume **five times** the area of the vital riparian corridor along the entire river.

The Stillwater memo makes clear the complete falsity of this claim in the Final EIR. The need for a Supplemental EIR which would analyze and develop mitigation for the issues raised by Stillwater is abundantly clear.

Landmark Village Impact on Future Phases of the Project

The proposed Landmark Village project includes construction of the Long Canyon bridge and an extensive section of buried bank protection downstream for future phases of Newhall Ranch. These future phases will require separate EIRs and the extent to which they will be approved remains undetermined at this time. Both the bridge construction and the downstream section of bank stabilization will have significant impacts on riparian flora and fauna, and neither is actually needed for the great majority of the housing and commercial development within Landmark Village. A project alternative should therefore be developed that omits the parts of the project associated with further development of Newhall Ranch so that the impacts can be isolated and understood and a better determination made as to whether approval as part of the Landmark Village phase is warranted.

Conclusion

No approval for Landmark Village should be forthcoming until a Supplemental EIR is developed to account for, and mitigate for, the impacts discussed above.

including the vital questions raised by Stillwater Sciences. Cumulative impacts, in particular, must be better analyzed, understood and mitigated.

Friends incorporates by reference the comments of all other groups, including the Santa Clarita Organization for Planning the Environment, Wishtoyo Ventura Coastkeeper and the Center for Biological Diversity.

Sincerely,

Ron Bottorff, Chair

cc: Mr. Samuel Dea, Supervising Regional Planner, Special Projects
Los Angeles County Department of Regional Planning, Room 362
320 West Temple St.
Los Angeles, CA 90012

Attachment: Stillwater Sciences Memorandum
To Eric Raffini, EPA Region 9
From Glen Leverich, Senior Geomorphologist
*Comments on the Surface Water Hydrology and Flood Control,
and Geomorphology and Riparian Resources Sections of the
Newhall Ranch RMDP-SCP Final EIS/EIR, June, 2010*

TECHNICAL MEMORANDUM

DATE: 16 August 2011

TO: Eric Raffini
Environmental Scientist
Environmental Protection Agency
Region IX
Wetlands Regulatory Office
75 Hawthorne St.
Mail Code: WTR-8
San Francisco, CA 94105

FROM: Glen Leverich
Senior Geomorphologist/Geologist
Stillwater Sciences

SUBJECT: Comments on the Surface Water Hydrology and Flood Control, and Geomorphology and Riparian Resources Sections of the Newhall Ranch RMDP-SCP Final EIS/EIR, June 2010

Dear Mr. Raffini,

This technical memorandum presents a brief summary of our limited review of the hydrology and geomorphology sections of the final draft of the Newhall Ranch Resource Management and Development Plan (RMDP) and Spineflower Conservation Plan (SCP) environmental impacts statement/report (FEIS/R) (USACE and CDFG 2010). These sections, which were prepared by PACE Engineers, Inc., are referred presented in the FEIS/R as sections 4.1: Surface Water Hydrology and Flood Control, and 4.2: Geomorphology and Riparian Resources. Based on our geomorphology, hydrology, and ecology expertise in the Santa Clara River (SCR) watershed, within which the proposed development would be located, we performed this review at your request on 3 August 2011. The purpose of this review is to identify notable deficiencies and/or discrepancies in the assumptions, methods, and findings presented in these two sections of the FEIS/R document, and to further address several specific questions/comments you had raised, namely:

1. Was the use of the 1994 hydrology data rather than the more current 2006 data appropriate in the analysis of project effects on local hydrology? Specifically, the 1994 data has the 100-year recurrence interval event at 60,000 cfs, while the 2006 data puts the 100-year event higher at 66,000 cfs (an 11% increase). How would using the newer recurrence interval value change the results and conclusions of the analysis? Is there an updated hydrology dataset available for the remainder of the SCR in LA County? And, finally, why does the 2011(a) SCR watershed geomorphology assessment document prepared by Stillwater show the 1969 flood event to have a 58-year recurrence interval

with flows of 68,000 cfs (i.e., 2,000 to 8,000 cfs greater than the county-published 100-year event recurrence interval discharge)?

2. Was it appropriate that the hydrology analysis assumed that the post-project surface water runoff would not impact the hydraulic models? This question stems from the statement in the FEIS/R on page 6.0-52:

“Development of the Specific Plan, along with development facilitated on the VCC and Entrada planning areas, would increase runoff into the Santa Clara River from upland areas due to increased impervious surface areas (e.g., pavement, roads, and buildings). The increase in discharges for different return events (two-year, five-year, 10-year, 20-year, 50-year, and 100-year) would be measurable to a point about four miles downstream of Newhall Ranch in Ventura County. Beyond this point, development of the Project would have no impact to flows.”

Table 4.4-15 shows that the average annual stormwater runoff volume released from the project site will increase 257% from existing (pre-project) condition (1,302 acre-feet to 3,356 acre-feet). Despite these findings, the HEC-RAS analysis assumed that the pre- and post-project flow rates were unchanged because:

- a. The size of the project watershed with development impacts is only 1% of the total SCR watershed size; therefore, the peak flow impact in the river would be negligible; and
 - b. The project watershed would be located immediately to the river and, accordingly, runoff of concentration is very short as compared to the overall river time of concentration; thus, there would be no impact to the change in peak flow rate.
3. Based on the hydrology studies performed by Sikand in 2000 and PACE in 2008, does Stillwater concur with the chief conclusion that the project would not result in any off-site increases in water surface elevation (and flow velocities) downstream of the project boundary in Ventura County?

Summary of Review

Based on our limited review of the hydrology and geomorphology sections of the FEIS/R, we note the following:

- It appears that the intent of the project is to “freeze” the zone of active channel activity in its present location, as is described in the text and indicated by the bank stabilization features shown on the project map in Figure 4.1-5 (“Alternative 2 Proposed RMDP Santa Clara River Features”). Significant encroachments on the river will occur at three new bridges: Commerce Center Drive, Long Canyon, and Pico Canyon.
- The sediment delivery analysis contains errors and is often misleading (e.g., Table 4.2-5). Rates cited from Stillwater Sciences (2005) are misquoted (and underestimated by more than a factor of 2), and they are applied to tributary channels, mainstem channel bed, and upland watershed areas as though these three areas are equivalent in their contribution to downstream sediment, when in fact they are morphologically and hydrologically distinct (see p. 4.2-23 to 24).
- The analysis also fails to recognize that the bedrock materials underlying the project watershed are the most erosive of the region. That is, the Pico Formation siltstones (and

some sandstones) have erosion rates up to an order of magnitude greater than any other lithology in the entire watershed (see USCR geomorphology report, Stillwater Sciences 2011b). Therefore, even an area-averaged amount (if correctly transcribed) would potentially be incorrect many-fold and, accordingly, the final estimates of impact to sediment delivery into the lower SCR and the coastline are likely about an order of magnitude too low.

The study does acknowledge earlier on p. 4.2-18 that the project area is situated within a portion of the watershed having a “seemingly large volume of sediment” in storage. This statement indicates that the study authors are indirectly aware of the high sediment production and delivery rates occurring in the project area that contribute to that large volume of stored sediment, but they do not integrate this finding into associated analyses on project effects to erosion and sedimentation.

- Figure 4.2-1 (“Riparian Resources”) grossly underestimates the planform extent of the “active channel” path. It is unclear what methodology was employed to define this extent. We and others define the active channel area, or width, as part of the mainstem channel bed that has carried a significant part of the flood and sediment discharge during the recent flood events (see Simons, Li & Associates 1983, 1987, and Stillwater Sciences 2005, 2007, 2011a, b). We previously mapped active channel areas following the river’s largest floods in Ventura County, which could have been used as reference in this analysis (see Stillwater Sciences 2005 and 2007). We recently mapped active channel areas in the project area as part of the upper SCR study (see Stillwater Sciences 2011a, b). It can be clearly seen in our maps that the geomorphically active channel areas are considerably broader than those shown in Figure 4.2-1 of the FEIS/R (see also the comparison on the last page of this memo). Specifically within the project area boundaries, the floodplain area where the proposed “Landmark Village” development will be constructed (between the river’s right bank and Highway 126) was most recently flooded and scoured during the 1983 flood event, for which we determined the peak instantaneous flow to have a recurrence interval of 15 years (based on 57-year gauge record at the County line and new SCR NR Piru station: WY 1953–2009). This demonstrates just how active the entire channel width and floodplain can be during these episodic events.
- It is not clear how the data representing “upstream” flows in Table 4.2-2 were determined considering that there is only one gauge in this reach located downstream of the project area in Ventura County (i.e., County line and now the new SCR Nr Piru gauges). The assertion of flow changes through the project area is not based on actual data.
- The assertion on page 4.2-18 that the river channel in the project reach has exhibited “fluctuating stability” over time is directly contradicted by our findings (Stillwater Sciences 2007 [see Figure 5-19], 2011a [see Figure 4-19]) and those of Simons, Li & Associates (1987) that show long-term aggradation, with some localized incision.
- (Same page) The assertion that there has been a stable channel width pre- and post-1974 with the closure of Castaic Dam is also directly contradicted by our findings (Stillwater Sciences 2007 [see Figure 5-17], 2011a [see Figure 4-17g, 4-18a]) where significant changes to the active channel width have occurred over the past century in response to the largest flood events. Another more probable explanation why the river has not adjusted morphologically to the closure of Castaic Dam is because the dam not only intercepted sediment, it also changed the hydrological conditions (i.e., reduced peak flows); a condition that will not be present in the project area.

- (Same page) Assuming that the statement that the closure of Castaic Dam has not had an effect on the river's morphology is true, the dam closure has been found by Simons, Li & Associates (1987) and Stillwater Sciences (2011b) to have caused substantial incision within lower Castaic Creek. This trend has the potential to be continued and possibly worsened following project construction due to further sediment reductions in the creek's major tributary, Hasley Canyon, where the VCC development will be built.
- (Same page) The assertion that "reset events" are important ignores the historic evidence that bank armoring strongly influences the area and extent of the river following such events, particularly in the upstream half of the project area. They "reset" the channel only within boundaries defined by human infrastructure.
- On page 4.2-44, the statement that the "Project involves limited physical modification to the (river) channel and floodplain" is inconsistent with the project description that states that about 29,000 linear feet of bank armoring, in addition to floodplain elevation increases, will be implemented. Also on this page, it is stated that "the Project will involve significant physical modification to all or portions of the drainage channels and floodplain areas for the major tributaries"; however, it is later stated in this document that no significant impacts resulting from the project will occur. Both of these aspects of the project indicate inconsistencies with the significance determination presented here.

To address your specific questions outline above, we have attempted to provide you with some brief answers:

1. It does not appear that using the 1994 hydrology data rather than the 2006 data was appropriate; however, these data were not available during the initial analysis performed by Sikand in 2000. Our analysis of the County line stream gauge data found the largest flood on record (Jan 25, 1969) to have a recurrence interval of 58 years (Stillwater Sciences 2011a, b). We also compute that the 100-year recurrence interval discharge at this gauge would be about 73,000 cfs¹. Our analysis utilized both gauges located near the County line (USGS 11108500 [WY 1953–1996], USGS 11109000 (WY 1997–2009)). It appears that the FEIS/R analysis either did not consider the 2006 county dataset, the new county line stream gauge data (USGS 11109000), or both.

For reference, we computed the 1983 flood event that inundated and scoured the "Landmark Village" floodplain area to have a recurrence interval of 15 years. Therefore, it seems probable that this size of flood could occur again in the coming decades; forecasted impacts to the modified project reach are not sufficiently explored and critically evaluated in the FEIS/R.

The project design elements appear to depend greatly on the accuracy of their 50-year prediction. On page 4.1-4 of the FEIS/R, it is stated that the project preparation would include "the placement of sufficient fill material across the site (floodplain), so as to provide a minimum of one foot of freeboard above the 50-year level." Given that there is some question as to the accuracy of the 50-year recurrence interval discharge (and the

¹ Analysis employed the flow frequency approach of Water Resources Council Bulletin 17B (USGS 1982), which Ventura County Watershed Protection District also applied in their analysis (VCWPD 2006). Their 2006 re-evaluation of flood frequency at the County line gauge estimated the 100-year event to be about 66,000 cfs, which is slightly lower than our estimate because they considered a slightly shorter duration (WY 1953–2005).

corresponding flow depth), this represents a significant shortcoming in the FEIS/R analysis on flooding hazards.

2. We were not able to thoroughly review the supporting hydraulic studies; however, the large increase in average annual stormwater runoff volume released from the project site likely represents a significant impact to the local river reach and farther downstream into Ventura County.
3. Similar to our response to Question #2, the FEIS/R does acknowledge that localized increases in flow hydraulics (i.e., shear stresses) will potentially occur. Although we do not agree with their conclusion that these increases do not pose a significant impact to the stability of the Santa Clara River and its tributaries.

In summary, the project area is situated within one of the most highly productive parts of the SCR watershed for sediment loading to the river and the downstream beaches of the Santa Barbara Channel. From the perspective of human development, the stabilization of the rapidly eroding uplands could represent a positive outcome of the project; however, the associated impacts on the downstream system are not at all quantified and the values presented in the FEIS/R are grossly understated. When considering that the project will increase stormwater runoff volume, but reduce sediment supply to a historically dynamic river reach that will be constrained by significant bank armoring, it is highly probable that resulting channel instabilities not yet considered in the FEIS/R study will occur. For example, channel incision appears to be a likely result, along with associated bank erosion along those segments not receiving armoring treatment at the onset of project. Continued channel maintenance would therefore be expected in the long-term as the remaining active river and tributary channels respond to this and other developments in the upper watershed. Some years or decades post-construction, full armoring of one of the last unconstrained reaches of the upper SCR seems likely.

Encroachment into and armoring of the active channel boundaries of the mainstem river will undoubtedly reduce ecological function in the river and riparian zone; this reach is presently the least constrained of the upper SCR and a significant fraction of the unconstrained river throughout the entire watershed. Therefore, we presume that its current ecological value is substantially greater than its fraction of the total river length.

Background of Reviewers

For your reference, my position is Senior Geomorphologist/Geologist at Stillwater Sciences where I specialize in studying and interpreting the dynamics of watershed geomorphology. I have been involved with studying the geomorphology, hydrology, and geology of the entire Santa Clara River watershed for the past 4 years. My most recent effort was the completion of a detailed upper SCR watershed geomorphology assessment (Stillwater Sciences 2011), which included synthesizing the document with our 2007 lower SCR assessment document to produce a comprehensive account of the hydrogeomorphic processes in the entire watershed, from a historic, contemporary, and future perspective. This work was conducted for the Santa Clara River Watershed Feasibility Study agencies, which includes the L.A. Department of Public Works, Ventura County Watershed Protection District, and the U.S. Army Corps of Engineers—L.A. District.

This review was also conducted by Drs. Derek Booth and Yantao Cui who serve as our senior Geologist and Hydraulic Engineer, respectively. Dr. Booth has 32 years' experience in the fields of river dynamics and deposits, urban watershed management and stormwater, landscape processes, and geologic hazards. Dr. Cui's expertise is in hydraulic, hydrologic, sediment transport, and fluvial geomorphologic analyses. Both have extensive experience working in coastal California watersheds, including the SCR basin; Dr. Booth is also an Adjunct Professor in the Bren School of Environmental Science and Management at the University of California Santa Barbara.

Literature Cited:

Simons, Li & Associates. 1983. Hydraulic, erosion and sedimentation study of the Santa Clara River Ventura County, California. Prepared for Ventura County Flood Control District, Ventura, California.

Simons, Li & Associates. 1987. Fluvial study of the Santa Clara River and its tributaries, Los Angeles County, California. Data collection, field reconnaissance, and qualitative geomorphic analysis of existing conditions. Prepared for Los Angeles County Department of Public Works, Los Angeles, California.

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Stillwater Sciences. 2007. Santa Clara River Parkway floodplain restoration feasibility study: assessment of geomorphic processes for the Santa Clara River watershed, California. Prepared by Stillwater Sciences, Berkeley, California for the California State Coastal Conservancy, Oakland, California.

Stillwater Sciences. 2011a. Geomorphic assessment of the Santa Clara River watershed: synthesis of the lower and upper watershed studies, Ventura and Los Angeles counties, California. Prepared by Stillwater Sciences, Berkeley, California for Ventura County Watershed Protection District, Los Angeles County Department of Public Works, and the U.S. Army Corps of Engineers—L.A. District.

Stillwater Sciences. 2011b. Assessment of geomorphic processes for the upper Santa Clara River watershed, Los Angeles County, California. Final report. Prepared by Stillwater Sciences, Berkeley, California for Ventura County Watershed Protection District, Los Angeles County Department of Public Works, and the U.S. Army Corps of Engineers—L.A. District.

USACE and CDFG (U.S. Army Corps of Engineers and California Department of Fish and Game). 2010. Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan. Final Joint Environmental Impact Statement and Environmental Impact Report. SCH No. 2000011025. June.

USGS (U.S. Geological Survey). 1982. Guidelines for Determining Flood Flow Frequency. Bulletin #17B of the Hydrology Subcommittee,

VCWPD (Ventura County Watershed Protection District). 2006. Santa Clara River 2006 Hydrology Update. Phase I: from ocean to County line. December.

Comparison of designated “active channel” zone from Section 4.2 of the FEIR/S (a) with scaled views of the river before in 2006 (b) and after in 2009 (2009; c), showing significantly greater areas of fresh sediment-transport activity and flow than shown in the mapped “active channel” zone in the FEIR/S figure (a). Also shown is our “active channel” mapping (d) showing the geomorphically active channel areas following a series of historical flood events.

a)

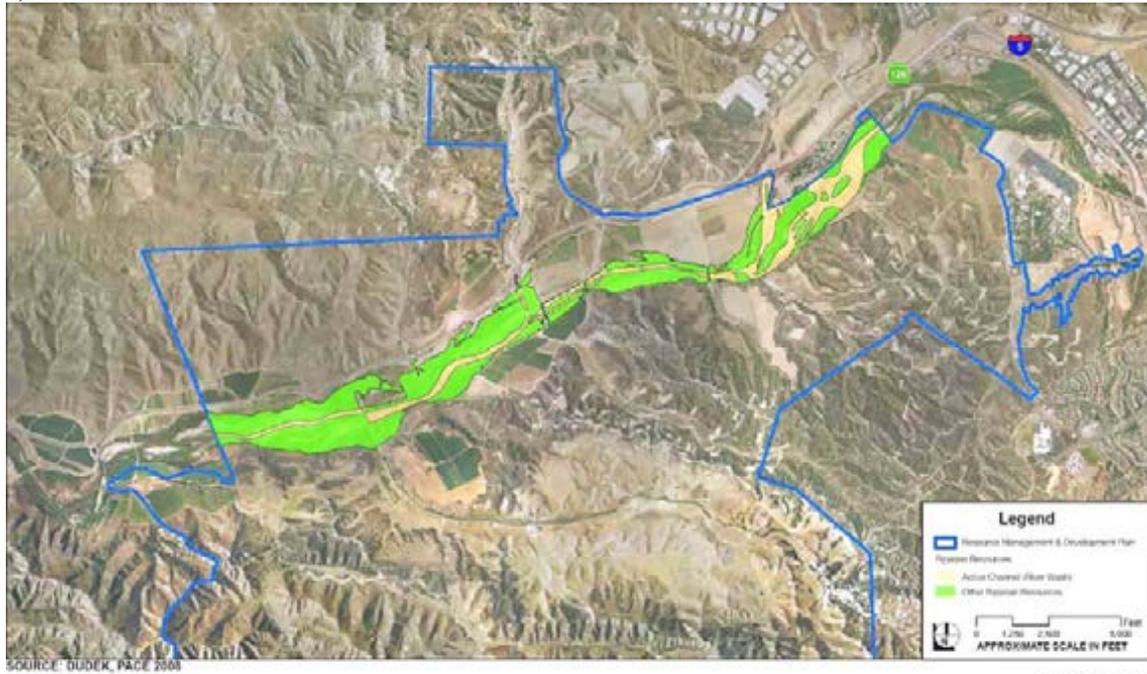


FIGURE 4.2-8

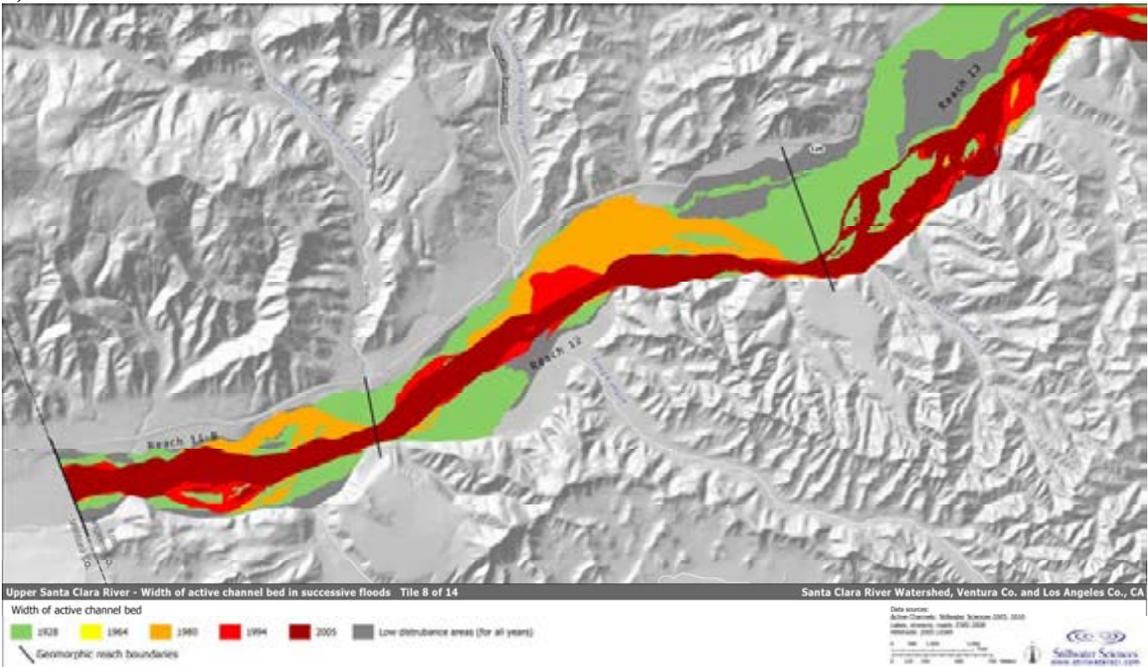
b)



c)



d)



BOS-1 Letter to Board of Supervisors from Friends of the Santa Clara River (Ron Botorff), dated September 12, 2011

Response to Comments regarding Santa Clara River Floodplain

The Friends of the Santa Clara River (Friends) continue to question the impacts to the Santa Clara River floodplain. Specifically, Friends states that the November 2007 Landmark Village Final EIR's **Response 5** to the Friends' January 21, 2007 comment letter "still provides no real answer as to why over 100 acres of the Santa Clara River floodplain is being taken for development," asserting that there are "thousands of acres of uplands available for development in the vicinity." The comment also states that elevating "vast areas" from the existing floodplain "does not alter the fact that the floodplain is being usurped for development." Note that Topical Responses from the Revised Final EIR referenced in this response are presented in a separate section entitled "Referenced Topical Responses from the Landmark Village Revised Final EIR, September 2011."

In response, first, the County's response to the Friends' floodplain comments is not limited to **Response 5** of the Friends' January 21 letter (Letter D12). As shown below, several responses to the Friends' comment letter explain the County's justification for allowing development within certain portions of the FEMA 100-year floodplain in conjunction with the Newhall Ranch Specific Plan, including the Landmark Village project site.

In summary, as explained below, the County has authorized development within the 100-year floodplain for several reasons, including:

- (a) The alignment for the majority of the buried soil cement bank protection was selected so that bank protection along the Santa Clara River generally would be situated in non-jurisdictional upland areas adjacent to the river that are presently disturbed and used for agricultural purposes;
- (b) Installing most of the bank protection outside of the riparian corridor avoids or minimizes impacts to the Santa Clara River, results in the widening of the riparian corridor in many areas, allows for channel movement and adjustment to changes in energy associated with runoff, and increases riparian habitat;
- (c) Site design project design features (PDFs) and the project's water quality best management practices (BMPs), including implementation of the low impact development (LID) performance standard, avoids or minimizes hydromodification impacts to the Santa Clara River and limits additional channel stabilization measures to those previously analyzed and approved for flood protection purposes;
- (d) The proposed buried bank stabilization would be installed only where necessary to protect against flooding and erosion pursuant to Federal Emergency

Management Administration (FEMA) and Los Angeles County Department of Public Works' requirements;

- (e) The buried bank stabilization is designed and would be constructed to retain Santa Clara River's significant riparian habitat, allow the river to continue to function as an east-west regional wildlife corridor, and provide flood protection pursuant to Los Angeles County standards;
- (f) Maintenance of buried soil cement bank protection would be minimal, and it has been shown that similar buried bank installation upstream of the Newhall Ranch Specific Plan has withstood the most recent 50-year storm event in 2004/2005, without damage or the need for maintenance because, like the Specific Plan site, including Landmark Village, the buried bank stabilization is located on the outer edges, well away from the "active channel" of the river;¹
- (g) Of the acres of developed floodplain within the Newhall Ranch Specific Plan, including Landmark Village, only approximately 5.8 acres are jurisdictional waters of the United States, and those impacts have been avoided and minimized to the satisfaction of the Corps;
- (h) As part of the Corps' section 404 permit, to further minimize and mitigate for *less-than-significant* impacts to floodplain areas within Newhall Ranch, a restrictive covenant of floodplain protection is required to be recorded on approximately 119 acres, consisting of approximately 89 acres of waters of the United States and 30 acres of adjacent floodplain areas, in the Santa Clara River immediately downstream of the Newhall Ranch Resource Management and Development Plan (RMDP) area; and
- (i) The Landmark Village project site, as revised, has proposed a further setback along the west bank of Castaic Creek, and along the northern and southern banks of the Santa Clara River, in order to further reduce impacts to sensitive riparian resources within the jurisdiction of the California Department of Fish and Game (CDFG). The proposed setback further reduces impacts, including impacts to 100-year floodplain areas.

As stated above, **Response 5** to the Friends' January 21 letter is not the only response that the County provided to floodplain impacts resulting from the Landmark Village project and other cumulative development in the Santa Clarita Valley. For example, in **Response 3**, the County responded to comments concerning the long-term effect of bank protection on the sediment dynamics of the Santa Clara River. In that response, the County pointed to the Landmark Village Draft EIR (November 2006), **Section 4.5, Floodplain Modifications**, at pages 4.5-1 and 4.5-72. In summary, **Section 4.5** found that the hydraulic impacts on sensitive aquatic/riparian resources in the Santa Clara River corridor due to the

¹ The U.S. Army Corps of Engineers (Corps) defines the "active channel" as the "ordinary high water mark," which means "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas." (33 C.F.R. §328.3(e).)

project's floodplain modifications would be localized, and not cause significant hydrological impacts adjacent to or downstream from the Landmark Village project site. On that basis, and given the limited amount of riparian habitat permanently altered by site development on the Landmark Village project site, **Section 4.5** determined that project construction and operation would not significantly impact the various sensitive aquatic species within the river reach.²

Response 3 also summarized cumulative impacts, relying upon on the environmental analysis found in the previously certified Newhall Ranch Revised Additional Analysis, Volume VIII (May 2003), Section 2.3, Floodplain Modifications. Based on that analysis, the Landmark Village Draft EIR (November 2006) determined that the reduction in floodplain area caused by bank protection "would not create a significant increase in overall velocities or water depth, because the volume of flow carried in these shallow, slow-moving areas along the margins of the river is small. Moreover, variations are localized and limited in scope, especially when viewed in the entirety of the river corridor within the Specific Plan site and downstream. Therefore, the overall mosaic of habitats in the river would be maintained because the key hydraulic characteristics would not be significantly different under the Specific Plan. Based on these results, . . . the proposed bank protection and bridges associated with the Specific Plan would not cause significant changes to key hydraulic characteristics, and, therefore, would not alter the amount and pattern of aquatic, wetland, and riparian habitats in the river at the Specific Plan site and downstream in Ventura County." (Draft EIR, Section 4.5, p. 4.5-72.)³

In addition, **Response 4** explained that most of the Landmark Village project's buried soil cement is located outside of the existing riparian corridor and presently utilized for agricultural purposes. Therefore, it is not appropriate to equate the FEMA 100-year floodplain to the location of riparian resources within the reach of the river along the Landmark Village project site.

Responses 4 and **5** provided detailed information illustrating that the buried bank protection is restored with native vegetation and that even after the 2004/2005 50-year storm, the storm flows did not expose any of the buried soil cement bank protection, and there was no evidence of damage to such revegetated areas upstream of the Newhall Ranch Specific Plan at the Bridgeport project.

² It also should be noted that the Landmark Village Final EIR, Volume II (September 2011) includes revised **Section 4.3, Water Quality**, which evaluates project and cumulative hydromodification impacts from a water quality perspective, and finds that such impacts are less than significant. Thus, revised **Section 4.3** also is responsive to the Friends' comments.

³ Please note that there was no successful legal challenge to the adequacy of the previously certified Newhall Ranch Revised Additional Analysis (May 2003), and the time to challenge that analysis has expired.

Response 5 disclosed that encroachment into the FEMA 100-year floodplain was analyzed in the previously certified Newhall Ranch Specific Plan Program EIR⁴ and that the floodplain impacts were heavily debated and discussed during hearings on the Specific Plan. In 1999/2003, in approving the Newhall Ranch Specific Plan, the Board of Supervisors permitted certain encroachments within the FEMA 100-year floodplain, including those shown within the Landmark Village project site. The County has determined that such floodplain encroachments are consistent with the Board of Supervisors' previous approval of the Newhall Ranch Specific Plan, which Landmark Village is a part.

Response 7 cited the Balance Hydrologics, Inc. report entitled, "Assessment of Potential Impacts Resulting from Cumulative Hydromodification Effects, Selected Reaches of the Santa Clara River, Los Angeles County, California" (October 2005).⁵ The Balance Hydrologics report addressed the concern over whether future urbanization resulting from the Newhall Ranch Specific Plan and other cumulative development would result in adverse changes in the Santa Clara River. The report used an empirical approach to assess potential effects of urbanization on channel morphology associated with implementation of the Specific Plan, combined with other existing and future development in the upper watershed of the Santa Clara River. Balance Hydrologics found that the Santa Clara River is a dynamic, episodic system that experiences "re-set" flood events that can be expected every 5-15 years. A "re-set" flood event refers to the affect that large storm events have on the stability of local channel geomorphology and riparian vegetation. The re-occurrence of these large storm events interrupt the bank-holding properties and riparian maturation within the channel resulting in a re-set of the channel. Most recently, this re-set occurred in 2005 following the 2004/2005 50-year storm event. Although the channel re-sets, in the interim new habitats form that are important to fish species, including unarmored threespine stickleback (Balance Hydrologics, Inc., 2005; Entrix, Inc., June 2010⁶). Based on the analysis presented, Balance Hydrologics concluded as follows:

- Major perturbations within the Santa Clara River watershed (dam construction, levee construction, changes in flows in response to decadal-scale climatic patterns, and increases in woody vegetation) do not appear to have had a significant impact on the geomorphic expression of the Santa Clara River, as

⁴ The previously certified 1999 and 2003 Newhall Ranch Specific Plan environmental documentation was not subject to a successful legal challenge, and the time to challenge that analysis has expired.

⁵ The above-referenced Balance Hydrologics, Inc. report is incorporated by reference and available for public review and inspection upon request to the County's Department of Regional Planning.

⁶ Entrix, Inc. completed the "Revised Focused Special Status Fish Species Habitat Assessment and Impact Analysis, Santa Clara River and Tributary Drainages within Newhall Ranch," June 2010, for the Newhall Ranch RMDP/SCP project. The Entrix report (June 2010) is incorporated by reference and available for public review and inspection upon request to the County's Department of Regional Planning. (For information purposes, Entrix's original report (October 2006) was appended to both the Landmark Village Draft and Recirculated Draft EIRs to support the findings made in Section 4.5, Floodplain Modifications.)

quantified from measurements made from a series of historical aerial photographs flown during the years 1927 through 2005.

- Large events (those which are typically not as affected by increases in impervious area and associated increases in stormwater peaks and runoff volume) can completely alter the form of the Santa Clara River channel. We call these events “re-set” events. These events, perhaps occurring on average once every ten years, are a dominant force in defining channel characteristics.
- The geomorphic dominance of “re-set” events overwhelms geomorphic effects of hydromodification on smaller events. Due to these episodic “re-sets,” we do not expect hydromodification feedback “unraveling” of the Santa Clara River mainstem, as is seen in many smaller southern California watersheds.⁷ The “re-set” events appear to adequately buffer changes that may occur in short-term sediment transport.
- While there is no expected increase in summer flows due to additional treated effluent discharge to the Santa Clara River, even if summer baseflow do increase we would not expect a significant change within the channel. Additional growth in the extent or density of vegetation is not anticipated, as the reach near Newhall already appears to have enough flow to support summer vegetation, and the existing vegetation does not appear to affect channel form for durations longer than the “re-set” interval. Further, re-sets occur at intervals significantly shorter than the period required for maturation of riparian vegetation, such that full development of bank-holding properties is frequently interrupted.
- Given that the channel morphology of the Santa Clara River mainstem has not adjusted significantly to much larger perturbations in flow, sediment yield, and riparian vegetation growth factors, within the Newhall reach, we do not expect a significant geomorphic impact to the Santa Clara River mainstem due to the anticipated increase in “urban area” from four to nine percent.

Based in part on the Balance Hydrologics report, the Landmark Village Final EIR found that there would be no significant hydromorphic impacts associated with implementation of the Landmark Village project or other existing and projected cumulative development upstream in the Santa Clara River watershed.

Response 7 also referenced the PACE comprehensive fluvial analysis of cumulative impacts on the Santa Clara River through the Newhall Ranch Specific Plan area, including the Landmark Village project site. The PACE fluvial analysis showed very little change in the pre- and post-development conditions; and, therefore, concluded that there was no potential adverse impact to the fluvial mechanics of the river due to implementation of the Specific Plan and other cumulative development.

Both the Balance Hydrologics report and the PACE fluvial analysis were summarized in the Landmark Village Final EIR (November 2007); see, specifically, **Responses 5** and **9** to letter from California Regional

⁷ In many smaller streams, hydromodification of moderate events can induce incision of the streambed, which reduces the connection of the stream to the floodplain. This disconnect, in turn, increases the erosive forces of the flows (concentrating more flow in the channel) and causing further erosion, and thus a positive feedback response.

Water Quality Control Board, Los Angeles Region, dated January 22, 2007; and **Response 15** and **19** to letter from County of Ventura, Resource Management Agency, dated January 19, 2007. **Response 7** specifically referenced these additional responses.

Response 10 addressed installation of primarily buried bank stabilization and its impacts to riparian vegetation and associated sensitive species relative to the FEMA 100-year floodplain. This information also is responsive to Friends' comments.

Response 18 addressed the Friends' prior comments concerning the Landmark Village project's impacts on and the loss of river floodplain acreage. In that response, the County noted that the FEMA 100-year floodplain and the County's Capital floodplain are each based upon a modeled elevation *and do not correspond with the edge of the riparian resources* associated with the Santa Clara River and that agricultural areas account for the vast majority of the Landmark Village project site below the elevations for the 100-year and Capital storm events. The response provided the following pertinent summary:

"[T]hese areas within the project site that are presently below the elevation of the 100-year and Capital floodplain are not natural habitat, but disturbed agricultural property. Finally, approximately 51 acres of land historically used for agricultural purposes will be converted to riparian and upland habitat following the development of the Landmark Village project." (Landmark Village Final EIR (November 2007), **Response 18**, p. 2.D-141-142.)

Other information responsive to the Friends' comments concerning floodplain impacts are found in **Response 19** and **Response 20** to the Friends' letter, dated January 21, 2007.

In addition, the assessment of the Newhall Ranch Specific Plan floodplain impacts, including Landmark Village, did not stop with the analysis found in the previously certified 1999/2003 Newhall Ranch environmental documentation and the Landmark Village Final EIR.

Entrix Assessment

For example, in conjunction with the Newhall Ranch Resource Management and Development Plan/Spineflower Conservation Plan (RMDP/SCP) project, Entrix, Inc. completed a revised focused special-status fish species/habitat assessment and impact analysis, which focused on the Santa Clara River and the tributary drainages within the Newhall Ranch Specific Plan (Entrix, Inc., June 2010). Specifically, the Entrix report examined potential impacts to special-status fish species, including the unarmored threespine stickleback, and associated habitats, resulting from alterations to local hydrology through implementation of both the Newhall Ranch RMDP and the identified alternatives. Based on the analysis conducted, Entrix concluded that:

- No impacts to fish species will occur in the tributary drainages, including the larger tributaries such as Salt Creek, Potrero, San Martinez Grande, Long, and Chiquito Canyons. Generally, tributary aquatic habitat is either absent or of very poor quality when present. The lack of perennial flows, coupled with poor habitat quality precludes fish from persisting in these tributary drainages.
- The proposed RMDP alternatives will not alter the general morphology of the Santa Clara River or adjacent rearing habitat or high flow riparian refugia. Under flood events there will not be any discernable difference in mainstem Santa Clara River marginal stickleback habitat and refugia, between the existing condition and the proposed alternatives.
- RMDP impacts to stickleback in riparian refugia areas due to floodplain modifications to facilitate RMDP improvements will be less than significant. The reductions in riparian refugia under the proposed RMDP (Alternative 2) are less than ten percent under the two, five, twenty and one hundred year flood events. Stickleback are expected to continue to redistribute and re-colonize appropriate habitat post flooding, as observed in years following the major floods of the 2005 wet season, which exceeded the 40 year flood event.
- The totality of RMDP-related improvements will not interfere with the persistence and overall survival of the Del Valle population of unarmored threespine stickleback. The effects of the improvements are typically very localized and occur only under extreme high flow flood events. The modeling data analyzed suggests that there will be little change between the existing condition and the proposed alternatives.

Corps/USFWS Consultation

In addition, as part of the Newhall Ranch RMDP/SCP project,⁸ which includes Landmark Village, the Corps noted that there is nesting or breeding habitat and high-quality foraging habitat for several federally-listed species in the Newhall Ranch RMDP project area, as well as designated critical habitat for endangered species. Much of that habitat is situated in riparian/ aquatic habitat in the vicinity of the Santa Clara River. On that basis, the Corps determined that the Newhall Ranch RMDP may affect several federally-listed endangered species known to utilize habitat in the project vicinity. The Corps also determined that the Newhall Ranch RMDP may affect designated critical habitat for such species. Therefore, on October 26, 2008, the Corps initiated formal consultation under Section 7 of the federal Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS).

On June 7, 2011, the USFWS completed a final Biological Opinion for the Newhall Ranch RMDP (File No. 2003-01264-AOA) (8-8-09-F-44). The Biological Opinion concluded that the Newhall Ranch RMDP and its associated projects, including Landmark Village, could be developed in compliance with the federal Endangered Species Act, and that such projects, following implementation of mitigation and other "reasonable and prudent" measures, would not: (a) jeopardize the continued existence of the least Bell's

⁸ For further information concerning the Newhall Ranch RMDP/SCP project, please refer to the Landmark Village Revised Final EIR, **Updated Topical Response 2: Newhall Ranch RMDP/SCP Project and Associated EIS/EIR**.

vireo, southwestern willow flycatcher, arroyo toad, or any other listed species in the project area, (b) adversely modify critical habitat of any listed species in the project area, or (c) impede recovery of any listed species in the project area, including the least Bell's vireo, southwestern willow flycatcher, and the arroyo toad. (See, USFWS Final Biological Opinion, pp. 95-96, 98-99, which is found in the Landmark Village Revised Final EIR, **Appendix F4.4**.)

Specific to bank stabilization along the river, the USFWS also found that under the Newhall Ranch RMDP, the applicant is only proposing "buried bank stabilization where necessary to protect against flooding and erosion pursuant to [FEMA] and Los Angeles County Department of Public Works' requirements. The bank stabilization is designed and would be constructed to retain the Santa Clara River's significant riparian habitat, and to allow the river to continue to provide flood protection pursuant to Los Angeles County standards." (See Landmark Village Final Revised EIR, **Appendix F4.4** [USFWS Final Biological Opinion, June 7, 2011, p. 7].) Further, the USFWS noted that installation of buried bank stabilization "would result in newly created river channel and jurisdictional areas (approximately 94 acres), as well as upland habitat." (*Id.*, p. 8.) The USFWS also referenced the maintenance of the bank stabilization and determined it would be "minimal." (*Id.*)

The Corps' Record of Decision

The Corps also evaluated the Newhall Ranch RMDP project impacts, including those associated with the Landmark Village project site, in the joint EIS/EIR for the Newhall Ranch RMDP/SCP project. As part of the evaluation, the Corps issued its Record of Decision and provisional Department of the Army section 404 permit, authorizing permanent and temporary impacts to waters of the United States, including the Santa Clara River, adjacent wetlands, and tributaries to the river. In its Record of Decision, the Corps specifically identified the "least environmentally damaging practicable alternative" (LEDPA) as part of the Clean Water Act section 404(b)(1) alternatives analysis. After identifying the LEDPA, the Corps specifically addressed floodplain impacts in the Santa Clara River associated with the Newhall Ranch RMDP/SCP project, including Landmark Village.

After conducting the floodplain impact analysis, the Corps found that the Newhall Ranch RMDP impacts on the 100-year floodplain, including Landmark Village, were less than significant, justifying development in that area. The Corps made the following findings, justifying development in certain portions of the 100-year floodplain within Newhall Ranch:

"The LEDPA would avoid an additional 12.8 acres of floodplain impacts in the Santa Clara River by not authorizing construction of the Potrero Canyon Road Bridge and pulling back bank stabilization along sections of the Santa Clara River. Modified Alternative 3 (LEDPA) would include a net loss of approximately 110 acres of 100-year floodplain out of 1,408

acres of floodplain in 5.5 linear miles of the Santa Clara River in the project area (of the approximate 110 acres of developed floodplain area only approximately 5.8 acres are jurisdictional waters of the United States).

[¶]To address potential downstream effects to floodplain areas, Sikand Engineering characterized the hydrology of the river in two technical reports that were completed in 2000. The Sikand reports estimated that the maximum extent of indirect/secondary impacts to hydrology and associated floodplain areas were limited to a point about four miles downstream of the Specific Plan site in Ventura County. Sikand found that after a certain distance downstream of the Los Angeles County/Ventura County line, the predicted increases in peak flows in the Santa Clara River dissipates. This downstream distance varies by return frequency, with the change in the 2-year peak flow dissipating approximately 2.1 miles downstream and the change in the 100-year peak flow attenuating to pre-project conditions at approximately 3.2 miles downstream of the Los Angeles County/Ventura County line. Therefore, indirect/secondary effects to downstream floodplain areas would be less than significant.

[¶]Furthermore, the applicant has already successfully processed Conditional Letters of Map Revision (CLOMR) applications for both the Landmark Village and Mission Village subdivision projects. Based on the CLOMR applications, neither subdivision would encroach upon a regulatory floodway, as that area is delineated on the effective Flood Insurance Rate Map (FIRM), nor cause any rise in basic flood levels in any such area.

[¶]To further minimize and mitigate for *less than significant impacts* to floodplain areas, a restrictive covenant for floodplain protection would be recorded on approximately 119 acres, consisting of approximately 89 acres of waters of the United States and 30 acres of adjacent floodplain area in the Santa Clara River immediately downstream of the project area. Based on the above information, the LEDPA would avoid and minimize impacts to floodplain values to the maximum extent practicable and is consistent with the intent of Executive Order 11988." (Corps' Record of Decision, August 31, 2011, p. 42, italics added.)

In short, impacts to certain 100-year floodplain areas within the Newhall Ranch Specific Plan, including Landmark Village, is justified by the Board of Supervisors' previously certified Newhall Ranch environmental documentation. It is further justified by technical reports, primarily those issued by Balance Hydrologics, Geosyntec, and PACE. Moreover, the impacts are justified by the findings of two federal agencies (Corps and USFWS) that have evaluated the overall Newhall Ranch Specific Plan.

The County also has determined that the Landmark Village project, as revised, has pulled back even further from the active channel of Castaic Creek and the Santa Clara River (see Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design**). Further, the County has found that the revised Landmark Village project's buried bank stabilization is consistent with the previously adopted Newhall Ranch Specific Plan. The Board of Supervisors' made the policy decision to approve the Specific Plan, even with less-than-significant impacts to the 100-year floodplain, due to the project's significant public benefits. These public benefits are described in the Specific Plan's originally adopted Statement of Overriding Considerations.

Response to Comments regarding Santa Clara River Stability

Purpose and Scope of the Stillwater Memorandum

The Friends' comment letter has attached a technical memorandum prepared by Stillwater Sciences, dated August 16, 2011, which is described as "new." However, the Stillwater memorandum is neither new, nor prepared in response to the Landmark Village project or related EIR. Instead, the Stillwater memorandum consists of Stillwater's comments on two discrete sections of the joint Final EIS/EIR (June 2010) for the Newhall Ranch RMDP/SCP project. Specifically, Stillwater states that its memorandum presents a brief summary of its "limited" review of the hydrology and geomorphology sections of the Final EIS/EIR. (See Stillwater memorandum, p. 1.)

In addition, while the Corps and CDFG issued the Final EIS/EIR in June 2010, Stillwater did not prepare its memorandum until August 2011, more than two years after the issuance of the Draft EIS/EIR (April 2009). Stillwater provides no explanation or reason why it did not submit written comments on the Draft EIS/EIR (April 2009) during the extensive public review period that the Corps and CDFG provided. Stillwater also does not explain why it did not submit comments on the Final EIS/EIR (June 2010), even though the Corps made that document available for an additional 45-day public comment period that expired on August 3, 2010.

Further, by stating that its review was "limited" to two sections of the Final EIS/EIR, Stillwater acknowledges it did not review the technical reports and studies that were appendices to the hydrology and geomorphology sections of both the April 2010 Draft EIS/EIR and the June 2010 Final EIS/EIR. (See, specifically, Section 4.1 and 4.2 appendices to the April 2010 Draft EIS/EIR and June 2010 Final EIS/EIR.⁹) The Draft EIS/EIR (April 2009) included two important Section 4.1 appendices and 12 important Section

⁹ The County incorporates by reference Section 4.1, Surface Water Hydrology and Flood Control, and Section 4.2, Geomorphology and Riparian Resources, of the Final EIS/EIR, including the technical appendices to those sections, which are found in both the Draft EIS/EIR (April 2009) and Final EIS/EIR (June 2010). These documents are available for public review and inspection upon request to the County's Department of Regional Planning.

4.2 appendices. By limiting its review to the two sections of the Final EIS/EIR, Stillwater also acknowledges it did not review the modeling data undertaken by PACE, Sikand, Geosyntec Consultants, and other expert consultants that assisted in preparing Sections 4.1 and 4.2 of both the Draft and Final EIS/EIR.

By not reviewing other pertinent sections of the Final EIS/EIR (e.g., Section 4.4, Water Quality; Section 4.6, Jurisdictional Waters and Streams; Section 3.0, Description of Alternatives; and Section 5.0 Comparison of Alternatives), nor the relevant technical reports and modeling data or the detailed responses to comments found in the Final EIS/EIR (June 2010), the County does not consider the Stillwater memorandum as a comprehensive overview of the Newhall Ranch RMDP/SCP project's hydrology/geomorphology impacts. As a result, the County has elected to rely on the Landmark Village Final EIR¹⁰ and on both the Draft and Final EIS/EIR and its technical reports and modeling data in assessing the Newhall Ranch RMDP/SCP project's hydrology and geomorphology impacts.

Focus of the Stillwater Memorandum

Notably, the Stillwater memorandum also focused on the Newhall Ranch RMDP project, as proposed by the applicant as "Alternative 2" in both the Draft and Final EIS/EIR. Stillwater elected to refer to the proposed project/Alternative 2 in its August 2011 technical memorandum, even though Stillwater knew or should have know that the Corps already had identified the draft "least environmentally damaging practicable alternative" (LEDPA), which was more protective of both the waters of the United States and the 100-year floodplain within the river reach of the project site. It is not clear why Stillwater would not have addressed the Corps' LEDPA.

In addition, since the release of the Final EIS/EIR in June 2010, and at the Corps' direction, the applicant has been coordinating extensively with the Corps, U.S. Environmental Protection Agency (USEPA), and Regional Water Quality Control Board (RWQCB). Based on that coordination, the Corps has identified the final LEDPA, which further avoids and minimizes impacts to waters of the United States, including the Santa Clara River and its tributary drainages.

¹⁰ The Landmark Village Final EIR is comprised of: (a) Draft EIR (November 2006), Volumes I-IX, plus Map Box (which was subsequently replaced by the Recirculated Draft EIR); (b) Final EIR (November 2007), Volumes I-V; (c) Recirculated Draft EIR (January 2010), Volumes I-XI, plus Map Box, including the November 2007 Final EIR; and (d) Final EIR (September 2011) (collectively, "Final EIR"). The Landmark Village "Final EIR" also includes all letters submitted to the Board of Supervisors prior to the upcoming October 4, 2011 hearing, and the County's responses to those letters, including this response.

As an example, the final LEDPA mandates that prior to any authorized discharges of fill material into waters of the United States, and to further minimize and mitigate for less-than-significant impacts to floodplain areas, a restrictive covenant for floodplain protection must be recorded on approximately 119 acres consisting of approximately 89 acres of waters of the United States and 30 acres of adjacent upland floodplain area in the Santa Clara River immediately downstream of the RMDP area, as shown on Figure 20 and Figure 9, respectively, of the Mitigation Plan (Dudek, August 2011). Further, the final LEDPA incorporates Low Impact Development (LID) measures, consistent with a LID Performance Standard, which is conceptually similar to the LID requirements in the Ventura County MS4 NPDES Permit. Both the LID Performance Standard and the Los Angeles County hydromodification policy requirements require post-development discharges to the River to not exceed pre-development flow rates, which means that the Sikand analyses performed for the EIS/EIR were highly conservative in assessing potential downstream impacts and the maximum extent of change in the downstream reach beyond the project boundary. The Stillwater memorandum did not take into account the above analyses.¹¹

Further, the Stillwater memorandum did not identify the significance criteria it relied on in making the “significance” conclusions. In contrast, both the Newhall Ranch EIS/EIR and the Landmark Village Final EIR contain appropriate significance criteria by which to measure the significance of Landmark Village project and cumulative development impacts to the Santa Clara River and the 100-year floodplain. On that basis, the County elects to rely on the information presented in those two documents to substantiate the less-than-significant hydrology/geomorphology impacts associated with the Landmark Village project and cumulative development in the Santa Clarita Valley.

Stillwater References to “Armoring” in the Santa Clara River

The Stillwater memorandum also states that the Landmark Village project would result in “armoring” in the “active channel” of the Santa Clara River and that “full armoring” of the project reach of the river seems likely in future years due to implementation of the Newhall Ranch Specific Plan, including Landmark Village. However, as shown above in response to comments concerning floodplain impacts,

¹¹ As pointed out in the attached PACE technical letter, dated August 29, 2011, page 9, “[t]he Corps’ responses to comments also point out that the Corps’ final LEDPA incorporates low-impact development (LID) measures, consistent with a LID Performance Standard that was developed based on consultation with the Corps, USEPA, and the Regional Water Quality Control Board. Under the LID Performance Standard, LID project design features (PDFs) would be selected and sized to retain the volume of stormwater runoff produced from a 0.75 inch storm event to reduce the percentage of Effective Impervious Area (EIA) to five percent or less of the total project area within the Newhall Ranch Specific Plan. Runoff from all EIA would be treated with effective treatment control measures that are selected to address the pollutants of concern and are sized to capture and treat 80 percent of the average annual runoff volume. [¶] As a result, if the LEDPA is approved, the Sikand analyses would be conservative in assessing potential downstream impacts and determining the maximum extent of change in the downstream reach.” (*Id.*)

the Landmark Village project site would utilize bank protection in mostly upland areas along approximately one-half of the north bank and one-third of the south bank of portions of the Santa Clara River within the project area for flood control purposes. Most of the stabilization in this area involves the use of buried soil cement that is not visible, and where the land above it would be restored to channel grade and revegetated with native riparian and upland species as appropriate, and used as an upland habitat buffer. In addition, the proposed bank protection is not located in or adjacent to the "active channel" of the river and the intent of the Landmark Village project is to allow for the active channel to continue to meander within the limits of the proposed bank stabilization.¹² This technique cannot be compared fairly to "armoring" the active channel or the concrete channelizing of the river.

Downstream Impacts

Further, the Stillwater memorandum states that the downstream impacts to the Santa Clara River were not sufficiently assessed. In response, the previously certified Newhall Ranch documentation addressed the downstream impacts to the river with implementation of the *entire* Newhall Ranch Specific Plan, including Landmark Village, and found that the impacts were less than significant, based on technical reports prepared by Sikand (Sikand, 2000a, 200b).¹³ The Sikand reports were hydrologically-based analyses of potential increases in runoff (*i.e.*, river flow rates based on the 2-, 5-, 10-, 20-, 50-, 100-year, and Los Angeles County Capital storm events) and the analyses determined the downstream extent of impacts to hydrology and associated floodplain areas for each storm event. More specifically, the Sikand reports estimated that the maximum extent of impacts to hydrology and associated floodplain areas were limited to a point about four miles downstream of the Specific Plan site in Ventura County. Sikand found that after a certain distance downstream of the Los Angeles County/Ventura County line, the predicted increases in peak flows in the Santa Clara River dissipates. This downstream distance varies by return frequency, with the change in the 2-year peak flow dissipating approximately 2.1 miles downstream and the change in the 100-year peak flow attenuating to pre-project conditions at approximately 3.2 miles downstream of the Los Angeles County/Ventura County line. Therefore, the impacts to downstream floodplain areas would be less than significant.

¹² According to the PACE technical letter, dated August 29, 2011, the overall river width is four to ten times greater than the width of the "active channel." For further information, please refer to Figure 1 of the PACE technical letter, which illustrates the active channel in relation to existing bank and top of the bank stabilization.

¹³ The certified Newhall Ranch environmental documentation was not subject to a successful legal challenge and the time to initiate such a challenge has expired. The two referenced Sikand reports are as follows: (a) Sikand Engineering, 2000a, "Newhall Ranch Santa Clara River HEC-RAS Study," June 28, 2000; and (b) Sikand Engineering, 2000b, "Supplemental Report for Newhall Ranch Santa Clara River HEC-RAS Study," July 14, 2000. The Sikand reports (2000a and 2000b) are incorporated by reference and available for public review and inspection upon request to the County's Department of Regional Planning.

Further, PACE completed two technical reports: (a) "Newhall Ranch Resource Management and Development Plan River & Tributaries Drainage Analysis-Santa Clara River," dated December 2008; and (b) "Revised Newhall Ranch Resource Management and Development Plan River & Tributaries Drainage Analysis-Santa Clara River," dated June 2010. The 2008/2010 PACE reports were hydraulically-based analyses, which were developed and used to evaluate the hydraulic (floodplain, velocity, depth, *etc.*) impacts due to the proposed on-site bank protection and various alternative locations of the proposed bank protection. In order to provide an evaluation of hydraulic impacts caused by the proposed bank protection, PACE evaluated the pre- and post-developed conditions with the same flow rates. (Using different pre- and post-flow rates would provide a distorted view when evaluating the specific impacts of the proposed bank protection alternatives.)

For the reach downstream of the Los Angeles County/Ventura County line, the PACE studies showed that there would be no impacts due to any of the proposed project bank protection alternatives. This no impact determination was based upon fundamental principles of fluid mechanics and the fact that, in subcritical flow regime, there can be no change in water surface elevation for the downstream cross-sections where there is no bank protection in the downstream area that would narrow the channel cross-section.¹⁴ In addition, PACE's "Landmark Village Flood Technical Report," dated August 8, 2006, shows that the Landmark Village project is consistent with the previously certified Newhall Ranch EIR documentation. (Landmark Village Flood Technical Report, pp. 4.7-4.10.)

USEPA's Consideration of the Stillwater Memorandum

As noted on page 1, the Stillwater memorandum reviewed the Final EIS/EIR hydrology and geomorphology sections at the request of Eric Raffini (USEPA, Region IX) on August 3, 2011. Specifically, Stillwater responded to specific questions raised by Mr. Raffini. Stillwater then completed its memorandum on the date shown, August 16, 2011.

By August 9, 2011, however, USEPA's Regional Administrator, Jared Blumenfeld, had made the final decision not to seek a higher level of review of the Corps' draft section 404 permit, which it could have done pursuant to paragraph 3(d)(1) of the Corps/USEPA Memorandum of Agreement under Clean Water Act section 404(q). Thus, it appears that USEPA elected to either make its final decision without the requested input from Stillwater or it took Stillwater's preliminary findings into account and still elected not to seek a higher level of review of the Corps' section 404 permit. In any case, USEPA found that the Corps' section 404 permit, as revised, was protective of human health and the environment.

¹⁴ The 2008/2010 PACE reports are found in the Newhall Ranch RMDP/SCP Draft EIS/EIR (April 2009), Appendix 4.1, and the Final EIS/EIR (June 2010), Appendix F4.1, respectively. These two reports are incorporated by reference and are available for public review upon request to the County's Department of Regional Planning.

PACE Response to Stillwater Memorandum

Apart from USEPA's actions, the Stillwater memorandum, nonetheless, was prepared by technicians familiar with the Santa Clara River watershed. Therefore, at the Corps' request, the applicant provided the Corps with the technical letter prepared by PACE and its team.¹⁵ The PACE technical letter, dated August 29, 2011, consisting of 29 pages, responds to the issues raised in the Stillwater memorandum. (The PACE technical letter is attached to this response.)

In the technical letter, PACE has provided a general reply to the Stillwater memorandum, and has summarized the collective experience and expertise of the PACE team in conducting hydrologic, hydraulic, and fluvial analyses. In addition, PACE identified the technical reports/studies and related works for projects within the Santa Clara River watershed. PACE also "bracketed" 18 separate issues or items raised by the Stillwater memorandum, and responded in detail to each technical issue/item. The PACE technical letter also attached three important figures:

- (a) Figure 1, which illustrates that the proposed bank protection is not located in or adjacent to the "active channel" of the river and that the overall river width is four to ten times greater than the width of the "active channel" referenced by Stillwater;
- (b) Figure 2, which illustrates that there is no impact to the 2-, 5-, and 10-year floodplain area from the proposed Long Canyon Road Bridge and that the encroachment area for the 20-, 50-, and 100-year storm events is comprised of nearly 100% historically active agricultural fields; and, thus, the bridge encroachment represents no loss of riparian habitat; and
- (c) Figure 3, which shows that the percent of area developed within the entire Newhall Ranch Specific Plan, including Landmark Village, represents about 1.2 percent of the entire Santa Clara River watershed and that PACE's "Newhall Ranch Phase 2 Fluvial Analysis" (October 2008) shows that in the existing condition, only a small fraction of the sediment that is produced in the Long, Potrero, San Martinez Grande, and Chiquito watersheds can be transported to the river by these existing tributary drainages; and, therefore, even with "highly erosive" sub-watersheds, it is not this sediment that is being delivered to the river and ultimately to the beaches/ocean in Ventura County.

¹⁵ PACE's team was comprised of: (a) Mark Krebs, P.E. - River Engineering/Restoration Specialist; (b) Bruce Phillips, M.S., P.E. - River Engineering/Restoration Specialist; (c) David Jaffe, P.E., Ph.D. - Hydraulic and Hydrologic Modeling Specialist; (d) Andrew Ronnau, P.E., Ph.D. - Hydraulic and Hydrologic Modeling Specialist; and (e) Ron Rovanssek, P.E., Ph.D., LEED AP - Water Quality/Watershed Management Specialist. Since 1990, PACE and its team have been working on analyses, design, and construction projects in and around the Santa Clara River watershed. These projects have been in Los Angeles and Ventura counties for public agency and private sector clients. PACE's team's level of expertise in this region and other similar regions is well regarded and documented. The areas of expertise include hydrology, hydromodification, hydraulics, fluvial, and other related topics necessary to evaluate development proximate to the Santa Clara River and its tributaries.

The PACE technical letter also provides substantive responses to each issue raised in the Stillwater memorandum. The County has reviewed PACE's substantive responses, and has determined that PACE has adequately responded to the issues presented in the Stillwater memorandum. PACE's responses are well documented with references to technical studies and modeling data used or referenced in the Draft and Final EIS/EIR. Based on the evaluation contained in the Landmark Village Final EIR, the analysis in the Newhall Ranch RMDP/SCP EIS/EIR, the technical appendices and modeling data used or referenced in both documents, and the evaluation provided in the PACE technical letter, dated August 29, 2011, the County has determined that the Stillwater memorandum amounts to a disagreement among experts and that the information in the referenced documents is adequate and meets the requirements of CEQA and the CEQA Guidelines.

In addition to the above determination, the County also has independently reviewed and considered the memorandum, dated August 30, 2011, prepared by Aaron O. Allen, Ph.D., Chief of the North Coast Branch, Regulatory Division, of the U.S. Army Corps of Engineers (attached). Dr. Allen also reviewed and considered the Stillwater memorandum prior to the Corps' issuance of its Record of Decision authorizing the Clean Water Act section 404 permit for the Newhall Ranch RMDP project component. Dr. Allen's memorandum further supports the County's determination.

Response to Comments regarding Cumulative Impacts

The Friends' comment letter has reiterated a prior comment to the effect that "unprecedented growth in the Santa Clara River watershed over the last few decades has caused an array of cumulative impacts of the river corridor, and that encroachment by development into the floodplains and terrace lands has resulted in habitat loss and fragmentation that will inevitably be followed by a decline in species and biological diversity."

In response, first, it should be pointed out that Friends does not provide any expert, technical, or other support for such a claim.

Second, the claim is inconsistent with the analysis presented in the Landmark Village Final EIR, including **Section 4.2, Hydrology, Section 4.3, Water Quality, Section 4.4, Biota, and Section 4.5, Floodplain Modifications**. Each section includes a cumulative impacts analysis of the Landmark Village project and other cumulative development in the Santa Clara River watershed. The cumulative analysis in each section found that the Landmark Village project, in conjunction with other cumulative development impacts, would not result in significant cumulatively considerable impacts to the watershed. (Please see, for example, Landmark Village Final EIR, **Section 4.4, Biota**, pages 4.4-429-432.)

Third, the claim appears to be belied by the findings contained in the USFWS Biological Opinion issued for the Newhall Ranch RMDP project component, which includes the Landmark Village project site. In the Biological Opinion, the USFWS concluded that the Newhall Ranch RMDP and its associated projects, including Landmark Village, could be developed in compliance with the federal Endangered Species Act, and that such projects, following implementation of mitigation and other "reasonable and prudent" measures, would not: (a) jeopardize the continued existence of the least Bell's vireo, southwestern willow flycatcher, arroyo toad, or any other listed species in the project area, (b) adversely modify critical habitat of any listed species in the project area, or (c) impede recovery of any listed species in the project area, including the least Bell's vireo, southwestern willow flycatcher, and the arroyo toad. (See, USFWS Final Biological Opinion, pp. 95-96, 98-99, which is found in the Landmark Village Revised Final EIR, **Appendix F4.4.**)

Fourth, the County previously responded to the Friends' comment in the Landmark Village Final EIR (November 2007). Please refer to **Response 25** to the letter from Friends of the Santa Clara River, dated January 21, 2007 (Letter D12). In the comment, Friends gives the impression that the cumulative impacts analysis in the Landmark Village Final EIR was limited to an assessment of the relative size of the Newhall Ranch developed acreage compared to the overall size of the Santa Clara River watershed. However, the EIR's analysis of the cumulative impacts of the project and other related development was not so limited. To support this point, the County relies specifically on the entirety of the information presented in **Response 25**.

Finally, the County notes that Dr. Allen's memorandum, dated August 30, 2011, provides further documentation that the cumulative impacts associated with development of the Newhall Ranch Specific Plan, including Landmark Village, would not result in significant unavoidable cumulative impacts. Dr. Allen's analysis has relied on the technical report prepared by Balance Hydrologics, Inc. and Section 6.0, Cumulative Impacts, of the Final EIS/EIR for the Newhall Ranch RMDP/SCP project. The County has reviewed and considered the Balance Hydrologics' report and Section 6.0 of the Final EIS/EIR, and concurs with the Corps' analysis. In summary, Dr. Allen found that:

"As documented in the Balance Hydrologics technical appendix, in 2005 approximately 4% of the Santa Clara River watershed supported urbanization with impervious surfaces, with past, present and reasonably foreseeable future development resulting in approximately 9% of the watershed supporting impervious surfaces associated with urbanization (as documented in Section 6.0 of the Final EIS/EIR (Cumulative Impacts), reasonably foreseeable development would include all planned and approved projects as designated by both Los Angeles County and the City of Santa Clarita).

[¶] With Modified Alternative 3, the Newhall Ranch RMDP would include residential and commercial development on approximately 2,600 acres and, including manufactured slopes and other modified areas, a total of approximately 4,500 acres out of 12,000 acres in the project area could be considered urbanized impervious surfaces. In consideration of the large watershed area, Modified Alternative 3 would increase urban impervious surface area by approximately 1%, resulting in approximately 5% of the watershed being affected by development. In consideration of the relatively limited amount of urban development in this relatively large watershed as well as their analysis of the Newhall reach of the Santa Clara River, Balance Hydrologics determined that "given that channel morphology of the Santa Clara River mainstem has not adjusted significantly to much larger perturbations in flow, sediment yield and riparian vegetation growth factors, within the Newhall reach, we do not expect a significant geomorphic impact to the Santa Clara River mainstem due to the anticipated increase in "urban area from four to nine percent."

[¶] In addition, as documented by Balance Hydrologics, past studies of fluvial systems have indicated that relatively large watersheds, such as the Santa Clara River watershed, typically require higher percentages of impervious surfaces (approximately 10%, although the percentage will vary depending on the physical characteristics of the given watershed) to initiate urban-induced hydrogeomorphic change, while smaller watershed, typically less than 25 square miles in size, can begin to exhibit changes in channel morphology and riparian vegetation with impervious surfaces occupying only 2-3 percent of the watershed.

[¶] Based in part on the above study, the Corps determined in the Final EIS/EIR that the originally proposed project and alternatives would result in less than significant impacts to Santa Clara River channel morphology (channel incision) and associated riparian habitat (scouring) both in and downstream of the project area." (Corps' memorandum, dated August 30, 2011, p. 3.)

For all of the above reasons, the County has determined that the cumulative impact analyses presented in the Landmark Village Final EIR is substantiated and that the Friends' comment does not provide any conflicting or contradictory data or other evidence.

Response to Comments regarding Landmark Village and Future Phases of the Newhall Ranch Specific Plan

The Friends' comment letter repeats the comment it made in its January 21, 2007 comment letter (Letter D12), which is contained in the Landmark Village Final EIR (November 2007). The County has previously responded to this comment. Specifically, please refer to **Response 23** to the January 21, 2007 comment letter (Letter D12).

In addition, however, the County wishes to address one other comment made by Friends in its comment letter. On page 2, Friends states that the Landmark Village project includes construction of the Long Canyon Road Bridge and buried bank protection downstream for “future phases of Newhall Ranch.” Further, Friends states that the extent to which these “future phases” “will be approved remains undetermined at this time.” In response, first, the statements are not substantiated by any expert, technical, or other information or data. The statements also are not supported by the Landmark Village Final EIR.

For example, in **Section 1.0, Project Description**, the Landmark Village Final EIR shows that the Long Canyon Road Bridge was part of the programmatic project approvals for the Newhall Ranch Specific Plan. (Please see, specifically, the Los Angeles County Board of Supervisors approved, program-level SEA Conditional Use Permit No. 94-087-(5).)¹⁶ The applicant proposed construction of the Long Canyon Road Bridge in conjunction with the Landmark Village project because the extension of Long Canyon Road is a project component shown on the west side of the Landmark Village revised tract map (see Landmark Village Final EIR, **Figures 1.0-20, 1.0-21**, and page 1.0-61, including **Figure 1.0-23**).

In addition, in **Section 1.0, Project Description**, the Landmark Village Final EIR shows that the buried bank stabilization along portions of the northern and southern banks of the Santa Clara River were contemplated and approved at the program level as part of the adopted Newhall Ranch Specific Plan (May 2003). (See, specifically, Landmark Village Final EIR, **Section 1.0**, p. 1.0-66.) The Board of Supervisors’ Conditional Use Permit No. 94-087-(5) permitted the use of buried bank stabilization in the area downstream of the Landmark Village project. The Landmark Village Final EIR also has analyzed the impacts associated with this bridge crossing and the buried bank stabilization. (Please see, specifically, **Section 4.2, Hydrology; Section 4.3, Water Quality; Section 4.4, Biota; and Section 4.5, Floodplain Modifications.**)

As stated in the County’s prior **Response 23** to the January 21, 2007 comment letter (Letter D21) the Landmark Village Final EIR also addressed a reasonable range of alternatives to the proposed project. These alternatives were in addition to the Specific Plan alternatives analyzed in the 1999/2003 certified Newhall Ranch environmental documentation. No further analysis is required.

¹⁶ The County Board of Supervisors’ SEA CUP 94-087-(5), approved on May 27, 2003, is incorporated by reference and available for public review and inspection upon request to the County Department of Regional Planning.

MEMORANDUM FOR THE FILE

SUBJECT: FINAL EIS/EIR FOR THE NEWHALL RANCH RESOURCE MANAGEMENT AND DEVELOPMENT PLAN (RMDP) - STILLWATER SCIENCES TECHNICAL MEMORANDUM DATED 16 AUGUST 2011 (FILE NO. 2003-01264-AOA)

1. On 16 August 2011, Mr. Eric Raffini of the U.S. Environmental Protection Agency forwarded a copy of a Stillwater Sciences technical memorandum to the Corps, Regulatory Division. The Stillwater Sciences memorandum documented their review of two sections of the Final EIS/EIR for the Newhall Ranch RMDP (the Stillwater Sciences technical review was initiated on 4 August 2011 and completed 16 August 2011). The technical review focused on Section 4.1 (Surface Water Hydrology and Flood Control) and Section 4.2 (Geomorphology and Riparian Resources) of the Final EIS/EIR for the Newhall Ranch RMDP. At the Corps request, on 29 August 2011, The Newhall Land and Farming Company forwarded a technical memorandum to the Corps from PACE Engineering that responded to the issues that were identified in the Stillwater Sciences document. Although the above documents discuss many specific technical issues associated with fluvial geomorphology, the purpose of this memorandum is to address the disagreement among the above experts and evaluate the adequacy of the information in the Final EIS/EIR.
2. As described in the Stillwater Sciences memorandum dated 16 August 2011, their technical review focused on the above two sections of the EIS/EIR and appears to exclude review of the Response to Comments for the Draft EIS/EIR, as well as the Final EIS/EIR technical appendices (Sections 4.1 and 4.2 of the Final EIS/EIR rely on several detailed hydrologic studies by PACE Engineering and Sikand Engineering in the technical appendices). In addition, it does not appear that Stillwater Sciences reviewed the following study in the technical appendix "Assessment of potential impacts resulting from cumulative hydromodification effects, selected reaches of the Santa Clara River, Los Angeles County, California" that was prepared by Balance Hydrologics in 2005. The above study by Balance Hydrologics provides important information for many of the findings in Sections 4.1 and 4.2 as well as the cumulative impact analysis in Section 6.0 of the Final EIS/EIR for the Newhall Ranch RMDP. Several of the issues that are referenced in the Stillwater Sciences memorandum were included in other comment letters on the Draft EIS/EIR, specifically letters from Ventura County and the California Coastal Conservancy, so it is problematic that Stillwater Sciences did not include the response to comments as part of their technical review. Because many of the conclusions in Section 4.1 and 4.2 on the Final EIS/EIR rely on the detailed analysis in the technical appendices, it is difficult for the Corps to evaluate the veracity of Stillwater Sciences conclusions given their relatively limited review of all the available information in the Final EIS/EIR.
3. Another potential issue associated with the Stillwater Sciences technical review is their lack of specificity regarding the project design they evaluated. The Final EIS/EIR includes detailed analysis of the originally proposed project (Alternative 2) as well as multiple alternatives. The identified least environmentally damaging practicable alternative (LEDPA) is a modified version

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of Alternative 3 that includes substantial avoidance and minimization of impacts to aquatic resources when compared to Alternative 2 as well as reduced infrastructure in the Santa Clara River and tributaries to the Santa Clara River in the project area. Based on a review of the Stillwater Sciences memorandum, it appears their review focused on the impact analysis associated with Alternative 2 (originally proposed project) rather than Modified Alternative 3 (currently proposed project). For example on page 2 of their memorandum Stillwater Sciences indicates that three new bridges would be constructed in the Santa Clara River and cites to Figure 4.1-5 (Alternative 2 Proposed RMDP Santa Clara River Features). Under the LEDPA, one of the three bridges in the Santa Clara River would not be constructed, reducing the amount of infrastructure and associated direct and indirect impacts in that section of the Santa Clara River. Furthermore, additional project design features and mitigation measures, including more stringent LID requirements, have been developed subsequent to the issuance of the Final EIS/EIR that was also not considered as part of the Stillwater Sciences review.

4. As part of their review of the two sections of the Final EIS/EIR, Stillwater Sciences takes issue with the finding that the originally proposed project would have less than significant impacts to the Santa Clara River channel morphology and associated riparian habitat both in and downstream of the project area. To support their contention concerning the “significance” of the direct and indirect hydrologic and geomorphic impacts of the originally proposed project, Stillwater Sciences states that the project area is one of the most highly productive parts of the watershed for sediment loading and that the originally proposed project would increase stormwater runoff volume from impervious surfaces and includes “significant” bank armoring along the Santa Clara River. The Corps acknowledges that the originally proposed project would include development on highly erosive soils, which also occur in open space areas within the project area as well as in nearby areas in Santa Clarita (in the RMDP project area, overall sediment delivery to the Santa Clara River would be relatively unaffected in Salt Creek, San Martinez Grade and Chiquito Canyon because there is more limited or no proposed development in these sub-watersheds). In addition, the Corps also acknowledges that the originally proposed project would include impervious surfaces that could increase peak flows in tributaries to the Santa Clara River in the project area. The Corps does not agree that the originally proposed project design includes “significant” bank armoring in part because the project design includes a substantial amount of buried bank stabilization with vegetated side-slopes that is located outside of the active floodplain of the Santa Clara River and in some cases is located outside of the 100-year floodplain. In addition, the current project design would include a total of 19,158 linear feet of bank protection on the north bank of the Santa Clara River and only 7,693 linear feet of bank protection along the south bank of the river (the project area includes 5.5 linear miles of the Santa Clara River or approximately 29,040 linear feet).

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As documented in the Balance Hydrologics technical appendix, in 2005 approximately 4% of the Santa Clara River watershed supported urbanization with impervious surfaces, with past, present and reasonably foreseeable future development resulting in approximately 9% of the watershed supporting impervious surfaces associated with urbanization (as documented in Section 6.0 of the Final EIS/EIR (Cumulative Impacts) reasonably foreseeable development would include all planned and approved projects as designated by both Los Angeles County and the City of Santa Clarita). With Modified Alternative 3, the Newhall Ranch RMDP would include residential and commercial development on approximately 2,600 acres and, including manufactured slopes and other modified areas, a total of approximately 4,500 acres out of 12,000 acres in the project area could be considered urbanized impervious surfaces. In consideration of the large watershed area, Modified Alternative 3 would increase urban impervious surface area by approximately 1%, resulting in approximately 5% of the watershed being affected by development. In consideration of the relatively limited amount of urban development in this relatively large watershed as well as their analysis of the Newhall reach of the Santa Clara River, Balance Hydrologics determined that "given that channel morphology of the Santa Clara River mainstem has not adjusted significantly to much larger perturbations in flow, sediment yield and riparian vegetation growth factors, within the Newhall reach, we do not expect a significant geomorphic impact to the Santa Clara River mainstem due to the anticipated increase in "urban area" from four to nine percent." In addition, as documented by Balance Hydrologics, past studies of fluvial systems have indicated that relatively large watersheds, such as the Santa Clara River watershed, typically require higher percentages of impervious surfaces (approximately 10%, although the percentage will vary depending on the physical characteristics of the given watershed) to initiate urban-induced hydrogeomorphic change, while smaller watershed, typically less than 25 square miles in size, can begin to exhibit changes in channel morphology and riparian vegetation with impervious surfaces occupying only 2-3 percent of the watershed. Based in part on the above study, the Corps determined in the Final EIS/EIR that the originally proposed project and alternatives would result in less than significant impacts to Santa Clara River channel morphology (channel incision) and associated riparian habitat (scouring) both in and downstream of the project area.

In terms of direct, indirect and cumulative impacts associated with urbanization, the conclusions of the Balance Hydrologics study are relatively consistent with the findings in the June 2011 Stillwater Sciences evaluation of urbanized reaches in Santa Clarita located in the upper Santa Clara River watershed (the June 2011 Stillwater Sciences study for the upper Santa Clara River watershed, which was completed for the Corps of Engineers, Ventura County and Los Angeles County, was referenced in their memorandum dated 16 August 2011). Based on the Corps experience in evaluating numerous projects in the Santa Clarita area, urbanized reaches of the Santa Clara River within Santa Clarita exhibit similar or more intrusive bank protection designs, including several concrete levees, when compared to the Newhall Ranch RMDP and a much

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larger area of impervious surfaces associated with urbanization, which are located on erodible soils, in some cases identical to those soils found in the project area. As stated in Section 4.3.4.2 of the June 2011 Stillwater Sciences study (Summary of the Santa Clarita Basin reaches):

“Moving upstream from the County line into the Santa Clarita Basin, our analyses reveal an overall trend toward narrowing and aggradation (bedload deposition) from Reach 11B upstream through Reach 15 over the past 80 years. The aggradational trend primarily reflects a broader river corridor as compared with the Soledad Canyon reaches (and thus an increase in sediment deposition potential) coupled with high sediment delivery from adjacent tributary subwatersheds (e.g. San Martinez Grande, San Martinez Chiquito and Lyon canyons and headwater tributaries to the South Fork of the Santa Clara River). On average, bedload sediment yield from the tributaries outpaces the channels ability to transport bedload, resulting in continued sediment deposition and bed aggradation. The trend is not ubiquitous, however, in some areas of localized mainstem bed incision (e.g. at the confluences with Bouquet and San Francisquito canyons and Castaic Creek).”

Similar to the Balance Hydrology study, it appears that the June 2011 Stillwater Sciences study did not identify physical evidence of substantial, long-term channel incision or associated extensive scouring of large areas of riparian habitat in or downstream of existing urbanized reaches in Santa Clarita. Based on the above information from the June 2011 Stillwater Sciences study, it is unclear how they determined in their 16 August 2011 review that the originally proposed project would result in “channel instabilities not yet considered in the FEIS/R.”

5. Under 40 C.F.R. section 1502.24, “agencies shall insure the professional integrity, including scientific integrity of the discussions and analysis in environmental impact statements.” In addition, “they shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.” Under 40 C.F.R. 1502.24, “an agency may place discussion of methodology in an appendix.” With the Final EIS/EIR for the Newhall Ranch RMDP, the Corps utilized well established engineering firms with excellent credentials, identifying all methodologies, referencing all sources relied upon for conclusions and placing detailed discussions of the methodology in the appendices. Furthermore, the various models utilized to analyze the hydrologic and geomorphic impacts associated with the originally proposed project and alternatives have been used for numerous studies and are well accepted in the fields of hydrology and fluvial geomorphology. The Corps also acknowledges that Stillwater Sciences is a well established firm with excellent credentials. However, when interpreting model results and field evidence, the Corps recognizes that various scientists evaluating the same data can reach different conclusions. As documented in a past Court decisions, scientific disputes are relatively common for various agencies involved in environmental projects and, thus when “specialists express conflicting views, an agency must

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have discretion to rely on the reasonable opinions of its own qualified experts even if, as an original matter, a court might find contrary views more persuasive." *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360,378, 109 S.Ct. 1851 (1989); *see also Friends of Endangered Species, Inc. v. Jantzen*, 760 F.2d 976, 986 (9th Cir.1985) ("NEPA does not require that we decide whether [a pre-EIS report] is based on the best scientific methodology available, nor does NEPA require us to resolve disagreements among various scientists as to methodology."). Based on the above evaluation, the Corps has determined that the Stillwater Sciences memorandum constitutes a disagreement among experts and the information in the Final EIS/EIR for the Newhall Ranch RMDP is adequate and meets all the requirements of NEPA.

6. For reference, I have 18 years experience with the Corps of Engineers, Regulatory Division, with my geographic area of responsibility including the upper Santa Clara River watershed. I have 15 years experience studying and evaluating fluvial processes in arid and semi-arid areas, with a focus on urban-induced hydrogeomorphic change in the upper Santa Clara River watershed. I have completed original research, including modeling and field work, to quantify the direct, indirect and cumulative effects of urbanization on channel morphology and riparian vegetation in the upper Santa Clara River watershed. Prior to becoming Chief of the North Coast Branch, I was the Los Angeles District technical expert in dryland fluvial geomorphology. I am currently a national instructor for Regulatory Program Prospect Courses, teaching sessions on indirect and cumulative impact analysis.

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division



August 29, 2011

Mr. Matt Carpenter
Newhall Land
25124 Springfield Court, Suite 300
Valencia, CA 91355
Phone (661) 255-4259

**Re: Response to Stillwater Sciences Technical Memorandum dated August 16, 2011
EPA Requested Review of Newhall Ranch RMDP/SCP Final EIS/EIR (June 2010) # 8238E**

Dear Matt,

As Newhall Land has requested, Pacific Advanced Civil Engineering, Inc. (PACE) has prepared the following response to the bracketed items (1-17) from the Stillwater Sciences' Technical Memorandum, dated August 16, 2011 regarding the Newhall Ranch RMDP/SCP Final EIS/EIR, June 2010. These responses have been prepared to provide Newhall Land and the U.S. Army Corps of Engineers (Corps) with clarification and the specific location of detailed reply information from the technical appendices and referenced documents within the Final EIS/EIR (FEIS/R). The responses from PACE are as follows:

GENERAL REPLY

It appears that the Stillwater reviewers were unaware of several recently completed Newhall Ranch RMDP/SCP FEIS/R documents, such as:

- Section 4.2, Geomorphology and Riparian Resources, Revised Pages of which are contained in the Final Addendum/Additional Information, Volume I (November 2010);
- The Corps' written responses to the letter from Ventura County Watershed Protection District (Elizabeth Martinez), dated August 2, 2010 (Letter F11);
- The Corps' written responses to the letter from Ventura County Watershed Protection District (Tom Wolfington), dated August 2, 2010 (Letter F12);
- The Corps' written responses to the letter from California Regional Water Quality Control Board, Los Angeles Region, dated August 3, 2010 (Letter F06);
- The Corps' written responses to the letter from California State Coastal Conservancy, dated August 4, 2010 (Letter F07);
- The Corps' draft section 404(b)(1) alternatives analysis, which identified the Corps' "draft least environmentally damaging practicable alternative" (Draft LEDPA), and which was made part of the Final EIS/EIR and made available for public review in June 2010; and
- Geosyntec Consultants, *LID Water Quality Analysis Results for RMDP Project Area Technical Memorandum* (Geosyntec 2011a).

These documents were prepared to address several of the comments that were raised by others prior to Stillwater's technical memorandum (August 16, 2011). In addition, Stillwater acknowledged that it did not review any of the technical appendices or modeling that formed the basis for the information provided in the Draft and Final EIS/EIR.

In addition, the Stillwater reviewers indicated that its “limited review” of FEIS/R Sections 4.1, Surface Water Hydrology and Flood Control and 4.2, Geomorphology and Riparian Resources was provided “to identify notable deficiencies and/or discrepancies in the assumptions methods and findings” and to address three specific questions posed by Eric Raffini/USEPA.

We submit that without a review of the basis of the analysis documents prepared by PACE and others, it is not possible to evaluate “deficiencies or discrepancies in the assumption methods and findings.” Since 1990, PACE engineers and scientists have been working on analyses, design, and construction projects in and around the Santa Clara River Watershed. These projects have been in Los Angeles and Ventura counties for public agency and private sector clients. The PACE level of expertise in this region and other similar regions is well regarded and documented. The PACE areas of competency include hydrology, hydromodification, hydraulics, fluvial, and other related topics necessary to evaluate the Santa Clara River and tributaries.

Collective PACE Hydrologic, Hydraulic and Fluvial Analyses

The PACE team of water resource engineers and scientists have had the opportunity to work on several dozen projects within the Santa Clarita watershed over the past 20 years; many of these projects for Newhall Land and many for other developers and public agencies (City of Santa Clarita, City of Fillmore, Los Angeles County Department of Public Works (LACDPW), etc.) Therefore, in addition to the substantial detailed analyses that was prepared by PACE and others for the Newhall Ranch FEIS/R, there are numerous additional analyses that have been prepared and create the basis for the substantial background and expertise in this watershed.

In addition to PACE, there are numerous consultants that have contributed to Sections 4.1 and 4.2 of the FEIS/R. Those other consultants are well-recognized experts in their fields (e.g., Phillips Williams and Associates, Geosyntec Consultants, Inc., Dudek, Entrix, Balance Hydrology, and others.) The FEIS/R is based on the collective wisdom, expertise, analyses and internal peer review of a multi-functional team of experts, rather than a single consultant reviewing two FEIS/R sections without the benefit of the technical appendices or modeling.

For a point of reference, we have listed below a few of the technical documents prepared by PACE for projects within the Santa Clara River Watershed:

Newhall Ranch

Newhall Ranch Resource Management and Development Plan - River & Tributaries Drainage Analysis - Santa Clara River Dated December 2008

Santa Clara River and Tributaries Drainage Analysis Newhall Ranch Resource Management Development Plan Chiquito Canyon Watershed Dated February 2007

Santa Clara River and Tributaries Drainage Analysis - Newhall Ranch Resource Management Development Plan - San Martinez Grande Canyon Watershed Dated February 2007

Santa Clara River and Tributaries Drainage Analysis - Newhall Ranch Resource Management Development Plan - Long Canyon Watershed Dated February 2007

Santa Clara River and Tributaries Drainage Analysis - Newhall Ranch Resource Management Development Plan - Potrero Canyon Watershed Dated February 2007

EIR Technical Engineering Document - Newhall Ranch Floodplain Hydraulics Impacts Assessment – Lion Canyon Watershed Dated April 2005

HEC-RAS Modeling Newhall Ranch – Santa Clara River
Dated December 2005

River Fluvial Study – Phase 1 Final Draft - Newhall Ranch - Santa Clara River
Dated March 2006 (PACE Job # 8197E)

River Fluvial Study – Phase 2 - Newhall Ranch - Santa Clara River
Dated October 2008 (PACE Job # 8197E)

HEC-RAS Modeling Newhall Ranch – Valencia Commerce Center – Castaic Creek
Dated December 2005 (PACE Job #8065E)

Castaic Creek and Hasley Creek - TPM# 18108 - EIR Flood Technical Report
Dated February 2008

Creek Fluvial Study Phase 1 Final Draft - Castaic Creek
Dated January 20, 2006

Additional Related Works:

Landmark Village VTTM# 53108 – Revised Santa Clara River - Drainage Concept Report - VOLUME II OF V - Dated February 2008

Landmark Village VTTM# 53108 – Newhall Ranch Utility Corridor/SR126 Scour Study Report - Castaic Creek/SR126 Bridge Crossing, Chiquito Canyon/SR 126 Bridge Crossing and Grande Canyon/SR 126 Bridge Crossing - VOLUME III OF V - Dated February 2008

Landmark Village VTTM# 53108 – Santa Clara River South Bank (“Onion Fields”) Pre-Homestead Hydrologic Analysis for Drainage Concept Report - VOLUME IV OF V - Dated February 2008

Landmark Village VTTM# 53108 – Santa Clara River LACDPW Capital Floodplain & Floodway ML Map Revisions and Technical Analyses - VOLUME V OF V - Dated November 2009

Landmark Village - FLOOD TECHNICAL REPORT - Dated August 2006

Landmark Village VTTM # 53108 - Request for Conditional Letter of Map Revision (CLOMR) Santa Clara River Bank Protection at Landmark Village - Dated October 2006

Mission Village TTM #61105 - FLOOD EIR TECHNICAL REPORT – Santa Clara River
Dated February 2007

Mission Village TTM # 61105 - Drainage Concept Report for Mission Village Santa Clara River Bank Protection (Volume II of III) - Dated November 2007

Mission Village TTM # 61105 - Capital Floodplain & Floodway Revision Analysis - Los Angeles County Adopted ML Map No. 43-ML 26 and 27 - Santa Clara River at Proposed Mission Village TTM #61105 - (Volume III of III)
Dated January 2008

Mission Village TTM # 61105 - Request for Conditional Letter of Map Revision (CLOMR) Santa Clara River Bank Protection and Commerce Center Drive Bridge - Dated July 2007

Entrada Project - Santa Clara River Improvements Drainage Concept Report
Volume II of IV - Soil Cement Bank Protection for Entrada VTTM No. 53295
(North Entrada and South Entrada Bank Protection) - Dated November 2007
Entrada VTTM #53295 - EIR Flood Technical Report - Santa Clara River - Dated July 2007

Newhall Ranch Drainage Concept/SUSMP Report - For the Proposed Homestead TTM #060678 Development Project - Dated March 2007

Homestead TTM# 060678 Chiquito Canyon Tributary - Drainage Concept Report - Chiquito Canyon Creek Hydraulic Analysis & Bank Protection Design - Dated May 2007

Homestead TTM# 060678 Grande Canyon Tributary - Drainage Concept Report - San Martinez Grande Canyon Creek Hydraulic Analysis & Bank Protection Design Dated August 2007

Drainage Concept Report for River Park (TTM #53425) - Santa Clara River - Soil Cement Bank Protection MTD #1719 - Dated June 2005

Santa Clara River Bank Protection (MTD #1719) Fluvial Study and DCR/Final Design - River Village VTTM #53425 - Dated July 2008

Santa Clara River Bluff Erosion Analysis - River Park VTTM #53425 - Dated April 2006

River Park Project TTM 53425 - FEMA Request for a Letter of Map Revision - Soil Cement Bank Protection - Dated March 2007

Old Road at Santa Clara River - Drainage Concept Report for the Old Road Bridge and Old Road Widening Bank Protection of Santa Clara River Project ID: RDC0012322 -Dated February 2008

Old Road at Santa Clara River Project - Old Road Bridge Improvements – Evaluation of Potential Impacts along Santa Clara River - Project ID: RDC0012322 - Dated December 2007

Old Road Bridge and Old Road Widening Bank Protection - EIR Flood Technical Report - Santa Clara River Project ID: RDC0012322 (PCA X2500231) - Dated June 2007

Scour Study - Newhall Ranch Highway 126 Utility Corridor - Dated January 2008

Fluvial Study – Phase III - Santa Clara River - Commerce Center Drive Bridge to San Francisquito Confluence - Dated November 6, 2006

Sewer Siphon Scour Study and Historical Analysis - Santa Clara River at Interstate 5 - Dated November 2006

City of Santa Clarita Trailhead at Tressel Bridge Near I-5 Freeway - Santa Clara River Floodplain and Floodway Dated December 2007

Capital Floodway Revision Analysis - Los Angeles County Adopted - ML Map No.'s 335-ML-1 and 2 for Castaic Creek Soil Cement Bank Protection (P.D. No. 2563) For P.M. No. 26363 Dated December 2006

FEMA Application - Letter of Map Revision (LOMR) (Based on As-Built Soil Cement Bank Protection) Castaic Creek P.D. 2563 for Parcel Map No. 26363 Dated March 2008

FEMA Application for Conditional Letter of Map Revision (CLOMR) Castaic Creek Soil Cement Bank Protection for Phase 1 and 2 of Tentative Parcel Map No. 26363 Dated February 2006

Castaic Creek Channel Improvements - Final Design Report for P.D. No. 2563 - Soil Cement Bank Protection from Commerce Center Drive to Hwy. 126 Bridges - Dated October 2006

STILLWATER BRACKETED ITEM #1A

FROM STILLWATER TECHNICAL MEMORANDUM:



Was the use of the 1994 hydrology data rather than the more current 2006 data appropriate in the analysis of project effects on local hydrology? Specifically, the 1994 data has the 100-year recurrence interval event at 60,000 cfs, while the 2006 data puts the 100-year event higher at 66,000 cfs (an 11% increase).¹

PACE RESPONSE

The assessment of the River hydrology for the proposed Project and alternatives was based on the 1994 joint Los Angeles County/Ventura County Hydrology Report, which has been accepted and adopted by both jurisdictions. The table below, which is from the revised PACE report (Final EIS/EIR, Appendix F4.1), compares the 1994 and 2006 flow rates and provides the 100-year flow rate used by FEMA from 1997-2010 in updating the Santa Clara River Flood Insurance Study (FIS), which is used to identify the FEMA-regulated 100-year floodplain. Additionally, FEMA uses the 100-year peak flow rate of 60,000 cubic feet per second (cfs) at the Los Angeles County/Ventura County line because it is based on the 1994 Hydrology Report.

Project-Related Changes in Discharge at Los Angeles and Ventura County Line							
Location – at Los Angeles and Ventura County Line	Discharge for Different Return Periods (cfs)						
	2-year	5-year	10-year	20-year	50-year	100-year	Qcap
Existing Conditions	2,600	8,480	15,400	24,900	42,400	60,000	142,475
Proposed Conditions	2,600	8,480	15,400	24,900	42,400	60,000	142,475
Net Change	0	0	0	0	0	0	0
2006 Ventura County Study Flows	2,490	8,420	15,700	26,100	45,800	66,600	
% Increase	-4%	-1%	2%	5%	8%	11%	
FEMA FIS (Flood Insurance Study) 9/1997 - Ventura Co.						60,000	
FEMA FIS (Flood Insurance Study) 7/1998 - Los Angeles Co.						60,000	
FEMA FIS (Flood Insurance Study) 9/2008 - Los Angeles Co.						60,000	
FEMA FIS (Flood Insurance Study) 1/2010 - Ventura Co.						60,000	

The Ventura County Watershed Protection District's 2006 study has not been used in the Newhall Ranch FEIS/R analysis because the published data for Los Angeles County and FEMA indicate 60,000 cfs at the Los Angeles County/Ventura County line for the 100-year flow. Additionally, the 2006 Ventura County study does not include any data for flow rates upstream of the Los Angeles County/Ventura County line. Without upstream hydrology data, the Los Angeles County portion of the study area would have to be

¹ Please note that from 60,000 cfs to 66,000 cfs is a 10% change, not an 11% change. An 11% change would be 66,600 cfs.



evaluated with the flow rates as currently used, resulting in data used from two different jurisdictions and reports, likely leading to confusing analyses and data results. Further, it is beyond the scope of this Project to require an entire update, particularly as there is a current joint regional effort underway, being led by a task force consisting of the Corps, Los Angeles County, FEMA, and Ventura County that may result in updated analyses and data. Until then, the 1994 Hydrology Report and FEMA flow rates remain the best available information for the entire River reach.

When evaluating the impact of a possible increase from the current value of 60,000 to 66,600 cfs of the regionally accepted 100-year flow rate at the Los Angeles County/Ventura County line, it is important to note that both the Sikand and PACE analyses referenced in the FEIS/R include not only evaluation of the existing 100-year (60,000 cfs) (as required by LACDPW), but the substantially larger (142,475 cfs) flow event is also included in the analysis. The Capital Flood represents a 137% increase over the 100-year flow rate. Therefore, the possible 11% increase to 66,600 cfs (or even the potential 22% increase to 73,000 cfs as proposed by Stillwater) has been evaluated and results in no impacts concluded within the FEIS/R technical analysis.

STILLWATER BRACKETED ITEM #1B

How would using the newer recurrence interval value change the results and conclusions of the analysis?

PACE RESPONSE

The answer is “yes,” (as discussed above in reply to bracketed item 1A), the results of the analysis would change if the different flow rate was used. However, the answer is “no,” the “conclusions of the analysis would be the same.” (The HEC-RAS model will not show any increase in velocity or water surface elevation in the Ventura County portion of the study area for a condition comparing pre-project vs. post-project analysis with $Q_{100} = 66,600$ cfs.

We have previously responded to this similar question/comment and additional detail to the reply is found in:

- The Corps' written responses to the letter from Ventura County Watershed Protection District ((Elizabeth Martinez), dated August 2, 2010 (Letter F11), **Responses 2.1, 2.2 and 2.3.**

STILLWATER BRACKETED ITEM #1C

Is there an updated hydrology dataset available for the remainder of the SCR in LA County?

PACE RESPONSE

“No.” There is no updated hydrology data set available and accepted for use by the LACDPW. The 1994 data set is the current standard for the LACDPW. Refer to PACE Response, above, to Bracketed Item #1A.

STILLWATER BRACKETED ITEM #1D

And, finally, why does the 2011(a) SCR watershed geomorphology assessment document prepared by Stillwater show the 1969 flood event to have a 58-year recurrence interval?”

PACE RESPONSE:

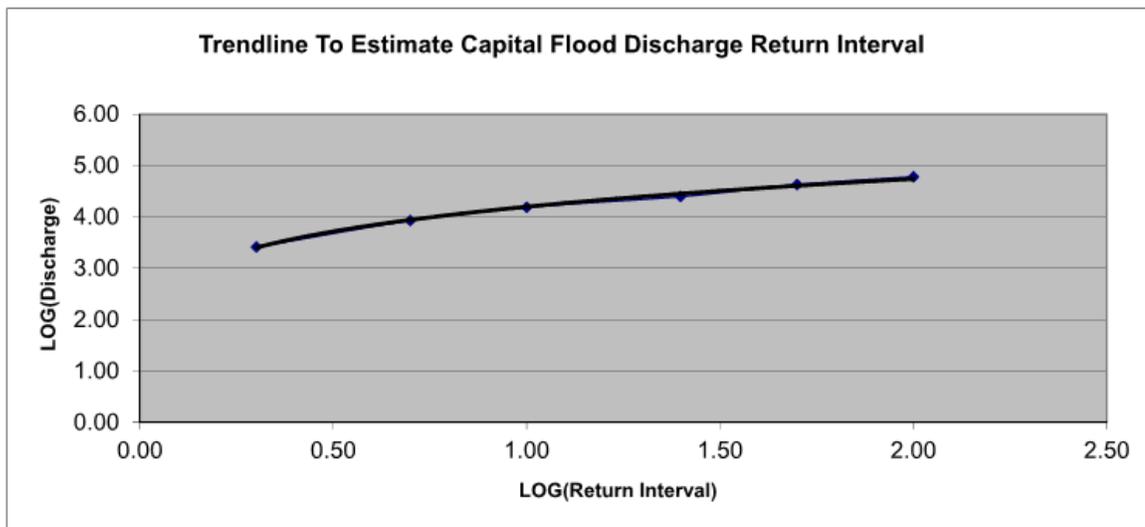
PACE has not evaluated the Stillwater data set to determine if adequate information is available to verify the year recurrence interval for the 1969 event. However, for the purpose of the FEIS/R, River impact analysis, the 1969 flow rate ($\pm 28,000$ cfs) and the corresponding estimated statistical return frequency is not important. It appears there is confusion regarding the Stillwater reviewers' understanding of the

LACDPW design standard, which is sometimes referred to as the “LACDPW 50 year event” and more formally referred to as the “LACDPW Capital Flood event,” which is quite different than the 2, 5, 10, 20, 50 and 100-year recurrence interval flow rates that have been used for evaluation.

The LACDPW Capital Flood has been developed with a specific set of hydrologic criteria as established by LACDPW, and the runoff flow event includes the results of increased flow from burning and bulking of the watershed. A more detailed description of the LACDPW hydrology methodology is available in FEIS/R, Section 4.1 appendices (PACE report, dated December 2008, page 4-1). However, the result of these additional conservative hydrological conditions is that the LACDPW Capital Flood flow rate in most instances far exceeds the FEMA 100-year event. In the case of the Newhall Ranch Santa Clara River Study area, the Capital Flood event is 2.25 to 2.8 times larger than the FEMA 100-year event. LACDPW requires this conservative design flow event be applied for the design of flood protection. This LACDPW Capital Flood event has been categorized as a very low frequency event when compared to recorded rainfall events and FEMA and ACOE river flows. The Capital Flood has been loosely categorized as being “in excess of the 2000 year event.” To evaluate this statement, PACE has conducted the following return frequency analysis and the 142,475 cfs Capital Flood flow rate can be approximated as 1700 year return interval. Note when the Newhall Ranch FEIS/R analysis was started, the published LACDPW Capital Flood flow rate at the County line was 163,000 cfs, which by the graph below is approximately a 2800 year return interval. In September 2003, LACDPW issued a revision to the hydrologic methodology for determination of “Capital Flood” and the Santa Clara River Capital Flood flow rate at the County line was reduced from 163,000 cfs to 142,475 cfs.

Santa Clara River Statistics
 Shaded values calculated using the trendline.

	Return Interval (yr)	Flow (cfs)	Log (Return)	Log(Flow)	Trendline	Correlation
	2	2,600	0.301030	3.414973	$y = 4.1964x^{0.1753}$	R = 0.9963
	5	8,480	0.698970	3.928396		
	10	15,400	1.000000	4.187521		
	25	24,900	1.397940	4.396199		
	50	42,400	1.698970	4.627366		
	100	60,000	2.000000	4.778151		
	500	98,673				
LA Cap Flood	1,695	142,475				
	2,779	163,000				



STILLWATER BRACKETED ITEM #2



Was it appropriate that the hydrology analysis assumed that the post-project surface water runoff would not impact the hydraulic models? This question stems from the statement in the FEIS/R on page 6.0-52:

“Development of the Specific Plan, along with development facilitated on the VCC and Entrada planning areas, would increase runoff into the Santa Clara River from upland areas due to increased impervious surface areas (e.g., pavement, roads, and buildings). The increase in discharges for different return events (two-year, five-year, 10-year, 20-year, 50-year, and 100-year) would be measurable to a point about four miles downstream of Newhall Ranch in Ventura County. Beyond this point, development of the Project would have no impact to flows.”

Table 4.4-15 shows that the average annual stormwater runoff volume released from the project site will increase 257% from existing (pre-project) condition (1,302 acre-feet to 3,356 acre-feet). Despite these findings, the HEC-RAS analysis assumed that the pre-and post-project flow rates were unchanged because:

- a. *The size of the project watershed with development impacts is only 1% of the total SCR watershed size; therefore, the peak flow impact in the river would be negligible; and*
- b. *The project watershed would be located immediately to the river and, accordingly, runoff of concentration is very short as compared to the overall river time of concentration; thus, there would be no impact to the change in peak flow rate.*

PACE RESPONSE

The reader is referred to the Ventura County Watershed Protection District comment letter, dated August 2, 2010 (Tom Wolfington) and the Corps' responses to that letter; see specifically, **Response 2.1**, which is reproduced below. Please also see the Corps' EIS Addendum, Volume I of I (June 2011).

2.1 Request for Further Information Regarding Prior Responses 6, 7, and 10

The District raises the issue of potential impacts due to increases in water surface elevation downstream of the Los Angeles County/Ventura County line. Specifically, the District has referenced the reported results in Tables 6-2 and 6-4 of the revised Pacific Advanced Civil Engineering, Inc. (PACE) report (see Final EIS/EIR, **Appendix F4.1**), which show increases in water surface elevations downstream of the Project boundary into Ventura County.

Response: The District has correctly pointed out a modeling error that resulted in confusion and created the appearance of off-site water surface elevation impacts downstream of the Project boundary into Ventura County. PACE, which is the water resource engineering firm that conducted the Newhall Ranch Hydrologic Engineering Centers-River Analysis System (HEC-RAS) modeling analysis, has reevaluated its work in response to the District's comments, and has noted an inconsistency in its revised report (Final EIS/EIR, **Appendix F4.1**) that requires correction and clarification. The correction is explained in detail below. However, PACE also has confirmed that while there was an error reported in its revised report, its original conclusion remains the same. Based on its analysis, there are no off-site increases in water surface elevation downstream of the Project boundary in Ventura County.

The comparison of the increase of the average annual developed area runoff to the 2, 5, 10, 20, 50, 100-year, CAP flow rates that have been used for hydraulic impact analysis of the river is not a valid comparison. The average annual flow can have increase as result of proposed project but this will not results in change to the 2, 5, 10-year flows. Additionally, LACDPW hydromodification policy will be applied to final design requirements for the project which will address hydromodification impacts.

As background, Sikand Engineering characterized the hydrology of the Santa Clara River in two technical reports (Sikand 2000a, 2000b), and those reports were hydrologically-based analyses, which were used as a method to evaluate potential increases in runoff (river flow rates for 2-, 5-, 10-, 20-, 50-, and 100-

year events) and, more specifically, to determine the downstream extent of the impacts for each of these flow events. The Sikand analyses are based on two primary principles of water resource engineering:

- (1) When a percentage of impermeable area (i.e., roof tops and asphalt) is increased in a watershed, the runoff flow rate is increased ("Principal 1"); and
- (2) The timing of runoff from sub-watersheds and potential impacts to the overall river flow rate will be dissipated in downstream reaches where additional watersheds add to the flow rate ("Principal 2").

For Principle 1, Sikand took a conservative approach and increased the percentage of impermeable area in the analysis. There was no accommodation for low impact development (LID) or hydromodification policy requirements, which require post-development discharges to the River to not exceed pre-development flow rates. Thus, the Sikand analyses were conservative in assessing potential downstream impacts and determining the maximum extent of change in the downstream reach.²

Principle 2 was used to establish the downstream extent of possible impacts, and thus, the project study limits.

In contrast, the 2008/2010 PACE studies were hydraulically-based analyses, and were developed and used to evaluate the hydraulic (floodplain, velocity, depth, etc.) impacts due to the proposed on-site bank protection and various alternative locations of the proposed bank protection. In order to provide an evaluation of hydraulic impacts caused by the proposed bank protection, it was necessary to evaluate the pre- and post-developed conditions with the same flow rates. Using different pre- and post-flow rates would provide a distorted view when evaluating the specific impacts of the proposed bank protection alternatives.

For the specific condition of the reach downstream of the Los Angeles County/Ventura County line, the PACE studies showed that there would be no impacts due to any of the proposed project bank protection alternatives. This no impact determination is based upon fundamental principles of fluid mechanics and the fact that, in subcritical flow regime, there can be no change in water surface elevation for the downstream cross-sections where there is no bank protection in the downstream area that would narrow the channel cross-section.

STILLWATER BRACKETED ITEM #3

Based on the hydrology studies performed by Sikand in 2000 and PACE in 2008, does Stillwater concur with the chief conclusion that the project would not result in any offsite increases in water surface elevation (and flow velocities) downstream of the project boundary in Ventura County?

PACE RESPONSE

The analysis is valid and conclusions are as represented in the FEIS/R. The reader is referred to the following previously prepared responses to similar comments:

² The Corps' responses to comments also point out that the Corps' final LEDPA incorporates low-impact development (LID) measures, consistent with a LID Performance Standard that was developed based on consultation with the Corps, USEPA, and the Regional Water Quality Control Board. Under the LID Performance Standard, LID project design features (PDFs) would be selected and sized to retain the volume of stormwater runoff produced from a 0.75 inch storm event to reduce the percentage of Effective Impervious Area (EIA) to five percent or less of the total project area within the Newhall Ranch Specific Plan. Runoff from all EIA would be treated with effective treatment control measures that are selected to address the pollutants of concern and are sized to capture and treat 80 percent of the average annual runoff volume.

As a result, if the LEDPA is approved, the Sikand analyses would be conservative in assessing potential downstream impacts and determining the maximum extent of change in the downstream reach.

- Responses to letter from Ventura County Watershed Protection District (Elizabeth Martinez), dated August 2, 2010 (Letter F11).
- Responses to letter from Ventura County Watershed Protection District (Tom Wolfington), dated August 2, 2010 (Letter F12).
- The Corps' EIS Addendum, Volume I of I (June 2011)

STILLWATER BRACKETED ITEM #4

It appears that the intent of the project is to “freeze” the zone of active channel activity in its present location, as is described in the text and indicated by the bank stabilization features shown on the project map in Figure 4.1-5 (“Alternative 2 Proposed RMDP Santa Clara River Features”). Significant encroachments on the river will occur at three new bridges: Commerce Center Drive, Long Canyon, and Pico Canyon.

PACE RESPONSE

There is no intent to “freeze the active channel” as indicated in the Stillwater comment. In evaluating the “active channel” as defined by the Corps (*i.e.*, ordinary high water mark) within all of the project alternatives, the proposed bank protection has been set back from the more frequent (2-, 5-, 10-, 20-year) flood events and in most cases there is less than 0.5% floodplain over impact for all of the alternatives evaluated. The reader is referred to the PACE report “Newhall Ranch-RMDP – River and Tributaries Drainage Analysis” dated December 2008, [Figure 3.8 – Floodplain Acreage Comparison](#), where specific quantifiable data is presented regarding the comparison of existing condition vs. proposed project alternatives floodplain areas for 2, 5, 10, 20, 50 and LACDPW Capital Flood events.

As quantified, the floodplain impacts are a result of the project bank protection, which is a requirement of LACDPW flood protection standards. The proposed bank protection is clearly not located immediately adjacent to the active channel of the river and the intent of the project is to allow for the active channel to continue to meander within the limits of the proposed bank stabilization. The overall river width is 4 to 10 times greater than the active channel width. We have enclosed a graphic to assist the reader in visualization of this condition. See attached Figure 1.

In regards to the bridge encroachment, there are several items to consider:

- 1) The width of the combined three bridges is less than 300-feet, compared to the overall study reach of the project (County line to Commerce Center Bridge) at 26,900 feet; therefore, the impact from the three proposed bridges represent 1.1% of the river length.
- 2) The Commerce Center Drive Bridge and northerly abutment is part of the previously approved Natural River Management Plan and the SR-126/Commerce Center Drive Interchange project.
- 3) The Potrero Bridge has been eliminated as part of the Corps' LEDPA analysis.
- 4) We have enclosed Figure 2 to more clearly illustrate the Long Canyon Road Bridge impacts to the 2-, 5-, 10-, 20-, 50-, 100-year floodplain. As shown in the figure, there is no impact to the 2, 5, and 10-year floodplain from the proposed bridge. The encroachment area for the 20, 50, and 100-year events is comprised of nearly 100% historically active agricultural fields. Therefore, the encroachment of the bridge represents no loss of riparian habitat.

STILLWATER BRACKETED ITEM #5

The sediment delivery analysis contains errors and is often misleading (e.g., Table 4.2-5). Rates cited from Stillwater Sciences (2005) are misquoted (and underestimated by more than a factor of 2), and they are applied to tributary channels, mainstem channel bed, and upland watershed

areas as though these three areas are equivalent in their contribution to downstream sediment, when in fact they are morphologically and hydrologically distinct (see p. 4.2-23 to 24).

PACE RESPONSE

PACE conducted a detailed and independent river and tributary analyses as outlined in the introduction to this response.

The majority of the analysis and reports have been reviewed and approved by LACDPW (including detailed review from Dr. Iraj Nasser, Dr. Ben Willardson). The LACDPW also retained outside experts to review specific elements of the analysis including Dr. Ron Copeland at Mobile Boundary Hydraulics for review of HEC-6 sediment transport analysis. In addition, to the in-house staff of experts (see resume summary at end of this technical memorandum) PACE has consulted with industry experts including Dr. Howard Chang at UCSD.

Additionally, Newhall Land utilized independent 3rd party experts to review and validate critical reports and analysis results. A specific example of this has been included as part of the appendices and referenced documents for the FEIS/R, Section 4.2 appendices for the PACE October 2008 report "Newhall Ranch River Fluvial Study Phase 2," which included detailed review and confirmation of the sediment yield and sediment transport analysis for the Newhall Ranch Tributaries and Santa Clara River. Phillip Williams and Associates (Dr. Andrew Collison and Dr. Jeffrey Haltiner) provided a review memorandum, dated January 14, 2008, validating and confirming the PACE Phase 2 Fluvial Study results and specifically the PACE use and application of MUSLE, Tatum and LA County method analysis for sediment yield.

As the Stillwater reviewers have pointed out, their review is "limited" and likely did not include review of the above listed documents, reports, technical appendices, etc. We, therefore, suggest that the comments, as presented regarding FEIS/R, Section 4.2, are based on "limited" review of a substantial amount of detailed analysis, which has included multiple third part expert review and collaboration. As a comparison of the level of detail provided in the PACE reports, see the table below:

Sediment Transport/Fluvial Evaluation Criteria	PACE/Newhall Ranch Report	Stillwater Upper SCR Report
Study Sub-Reaches	20	3
HEC-RAS Model Cross Sections	250	<20*

*Note: Stillwater Report does not include specific data regarding study sub reaches or specific number of HEC-RAS sections, we have estimated. The table is presented to identify the high degree of analysis conducted in the PACE report.

The Stillwater Report covered a much larger study reach (from County line to Headwaters of the Santa Clara River in Acton and likely utilized much less detailed evaluation). Whereas, the PACE study area included from County line to the confluence of the Santa Clara River at San Francisquito Creek in the PACE/Newhall Ranch analysis.

Specifically, three fluvial analyses were prepared for Newhall Ranch Santa Clara River study reach as required by LACDPW and are referenced as supporting documentation for the Newhall Ranch FEIR/S. The three fluvial Studies are as follows:

- "Newhall Ranch River Fluvial Study – Phase 1 – Final Draft" prepared by PACE, March 9, 2006 and approved by LACDPW, April 18, 2006
- "Newhall Ranch River Fluvial Study – Phase 2" prepared by PACE, October 2008 and approved by LACDPW, November 25, 2008
- "Castaic Creek Fluvial - Phase 1 - Final Draft" prepared by PACE, January 20, 2006

The following summary is an overview of the data and conclusions of the fluvial analyses and to provide a general reply to Stillwater's comments.

- I. The Newhall Ranch River Fluvial Study – Phase 1 was prepared to evaluate the impacts from build-out of Newhall Ranch from: (1) fluvial modifications of the river bank for a single hypothetical storm event (Capital Flood); and (2) changes in the floodplain fluvial operation over the long term.

The Phase 1 fluvial analysis evaluated three distinct fluvial components:

- 1) Long term trends of river bed and bank sediment build-up (aggradation) or removal (degradation).
- 2) General (capital storm event) aggradation/degradation calculations to determine the expected fluvial response of the river to the LACDPW design storm event (+ 140,000 cfs). The Corps' computer modeling software (SAM) was used to evaluate existing and proposed project conditions.
- 3) Localized river bed aggradation/degradation resulting from river curvature, bridges, river bed material, and various other components were considered and estimates of aggradation and degradation were calculated.

To complete the Phase 1 fluvial analysis (Chapter 7 and 8 of the Phase 1 Fluvial Study) these three (long term, general and local) aggradation/degradation components are summed together to obtain the total aggradation/degradation for each river section and comparison of existing vs. proposed conditions were presented in Tables 7.1a, 7.1b, 7.1c, 7.1d and Figures 7.1A, 7.1B, 7.1C and 7.1D (Pages 28-29).

The Phase 1 Fluvial Study concluded as follows:

"From the evaluation of the 80 years of available historic topographic mapping of the river, there is no specific trend of aggradation or degradation in the study reach. The evaluation of this data also included the rather large flow events from 2004/2005 and evaluation of river bed topography before and after this event. Tables 5.1A and 5.1B (Page 21, 22) from the Phase I Fluvial summarize the historic topographic and long term trend of the river bed. The finding of no substantial trends in the long term aggradation/degradation analysis supports the general "reset theory" that has been proposed for Santa Clara River and other similar rivers. This "reset theory" is basically the thought that while there may be some local trends in aggradation/degradation for a period of 10 to 20 years there are larger events that create a wide spread "reset" to river bed fluvial characteristics and associated river bed vegetation.

Only minor variations in the fluvial response are shown in the modeling as a result of existing and proposed conditions analysis. Figures 1.0, 4.2A and 4.2B and Table 4.3 of the approved Phase 1 Fluvial study (Pages 17-18) show existing and proposed conditions Santa Clara River general aggradation (raising of river bed sediment) and general degradation (lowering of river bed sediment) for the study reach of the river and only one of the sixteen sub-reaches indicates an aggradation/degradation change of more than 1.0 foot (Table 4.3). Figure 1.0 of the approved Phase 1 Fluvial Study provides a graphical reach by reach comparison of the Capital Flood general aggradation/ degradation existing vs. proposed data results as provided in Table 4.3. Based on the results of presented in table 4.3, it is clear that the Phase I Fluvial Study indicates that the proposed river bank protection and bridges (Newhall Ranch Specific Plan) does not result in fluvial or sediment transport impacts.

The Phase 1 fluvial analysis is specifically focused on the capital flood event evaluation of general and local aggradation/degradation components. The question regarding impacts from other smaller and more frequent storm events (2-yr, 5yr, 10-yr, 20-yr, etc.)

are not addressed in the Phase 1 Fluvial Study in terms of specific calculations. However, as a result of the minimal fluvial impacts shown from the capital storm (Table 4.3) and the Mission Village DEIR Flood Tech Report evaluation of velocity and depth of flow changes for these smaller flow events, it can be concluded that the proposed Mission Village river bank protection and bridges will result in minor impacts to overall river study reach."

- II. The Newhall Ranch River Fluvial Study - Phase 2 was prepared to address an LACDPW question regarding the impact of changes (reduction) in the amount of sediment delivered to the Santa Clara River from the tributaries impacted by Newhall Ranch. Specifically, LACDPW required the analysis to be provided to determine if additional toe down or freeboard is required for the proposed river bank protection.

The Phase 2 Fluvial analysis consists of the following components:

- a. Evaluation of debris production yield for both existing and proposed condition from the tributary watersheds within Newhall Ranch:

The debris production yield was calculated using the following three methods:

- 1) Modified Universal Soil Loss Equation (MUSLE)
- 2) Army Corps of Engineers Tatum Method
- 3) LA County Methodology

The summary data results re presented in Table 4.1 of the Phase 2 fluvial (Page 14). As expected, the proposed development results in reduction of debris production yield.

The Phase 2 Fluvial then analyzed the impact of the river from the reduced debris production from the watersheds. The Phase 1 Fluvial Study SAM model was used to evaluate the impact of the reduced debris delivery (see Tables 6.3 and 6.4 of Phase 2 Fluvial Study – copied below for reference):

The change in the sediment from the developed watershed is very small as compared to the overall river watershed for the Capital event; the results are less than 0.3% change. An additional evaluation was prepared to compare the peak observed flow rate in the river with the capital flood reduction in debris yield from Newhall Ranch (31,800 cfs peak observed vs. Capital 142,000 cfs). For this highly conservative assumption, the resultant maximum change is 1.07% (See below Tables 6.3 and 6.4 of Phase 2 fluvial report).

Table 6.3: Comparison of River Stream Yield with Change in Tributary Stream Yield Resulting from Watershed Development During a Tributary Capitol Event (Tons/Event)			
Capital Event			
Subreach	Q _s - River	∑Q _s - Creek	∑%
Chiquito Confluence	174,434	202	0.12
Long Confluence Grande	174,434	282	0.16
Confluence	183,265	536	0.29
Potrero Confluence	207,302	370	0.18
Peak Observed Event (31,800 cfs)			
Subreach	Q _s - River	∑Q _s - Creek	∑%
Chiquito Confluence	36,804	202	0.55
Long Confluence Grande	36,804	282	0.77
Confluence	49,933	536	1.07
Potrero Confluence	51,371	370	0.72

1. Positive means there is an increase from existing to proposed

The Phase 2 Fluvial Study also evaluated an even more conservative condition where it was assumed that none of the debris from the four Newhall Ranch watersheds would be transported to the river. The potential impact to the river from this highly conservative approach is shown in Table 6.4 below. This type of analysis is beneficial for providing maximum boundary condition (or “enveloping” of the analysis) for the Capital River and Capital Watershed analysis, the resultant maximum impact is 1.25%. For “Peak Observed” river and no Capital watershed debris analysis the resultant maximum impact is 5.9%.

Table 6.4: Comparison of River Yield with No Tributary Yield Resulting from Watershed Development (Tons/Event)			
Tributary with No Delivery - Capitol in River			
Subreach	Q _s - River	Q _s - Creek	Δ%
Chiquito Confluence	174,434	2,182	1.25
Long Confluence	174,434	1,517	0.87
Grande Confluence	183,265	1,623	0.89
Potrero Confluence	207,302	2,364	1.14
Tributary w/ No Delivery - Peak Observed in River (31,800 cfs)			
Subreach	Q _s - River	Q _s - Creek	Δ%
Chiquito Confluence	36,804	2,182	5.93
Long Confluence	36,804	1,517	4.12
Grande Confluence	49,933	1,623	3.25
Potrero Confluence	51,371	2,364	4.60

1. Positive means there is an increase from existing to proposed

The potential impacts to the river sediment transport capacity and river fluvial system are evaluated in Tables 7.1 to 7.11 (Pages 26 – 29) and the findings indicate changes in river bed fluvial response are less than 1.0 feet of river bed in most locations. This fluvial response of less than 1.0 feet is insignificant when the typical accuracy baseline results for fluvial study data should be greater than 1.0 feet.

STILLWATER BRACKETED ITEM #6

The analysis also fails to recognize that the bedrock materials underlying the project watershed are the most erosive of the region. That is, the Pico Formation siltstones (and some sandstones) have erosion rates up to an order of magnitude greater than any other lithology in the entire watershed (see USCR geomorphology report, Stillwater Sciences 2011b). Therefore, even an area-averaged amount (if correctly transcribed) would potentially be incorrect many-fold and, accordingly, the final estimates of impact to sediment delivery into the lower SCR and the coastline are likely about an order of magnitude too low.

The study does acknowledge earlier on p. 4.2-18 that the project area is situated within a portion of the watershed having a “seemingly large volume of sediment” in storage. This statement indicates that the study authors are indirectly aware of the high sediment production and delivery rates occurring in the project area that contribute to that large volume of stored sediment, but they do not integrate this finding into associated analyses on project effects to erosion and sedimentation.

PACE RESPONSE

The reader is referred to the PACE response above for Bracketed Item #5. Additionally, the reader is referred to the Corps' EIS Addendum (June 2011) and the Corps' FEIS/R written responses to the letter



from California Regional Water Quality Control board, Los Angeles Region, dated August 3, 2010 (Letter F06); and the letter from California State Coastal Conservancy, dated August 4, 2010 (Letter F07). In those responses, and related changes reflected in the Corps' Addendum, the analysis was revised to incorporate more conservative, coarse sediment generation estimates than in earlier versions. In fact, the sediment generation estimate used in the Addendum was higher than the May 2011 Assessment of Geomorphic Process for the Upper Santa Clara River Watershed, prepared Stillwater Sciences. At the time those responses and revisions were incorporated, Stillwater's report was not known to be available, so an earlier report for the lower river in Ventura County was used to provide surrogate data for estimation of sediment generation for the project site. The apparent fact that the project area is more erosive than others in the upper watershed is important to recognize, but does not appreciably change the ultimate sediment discharge to beaches in Ventura County. The entire Santa Clara River watershed is highly erosive and supports sediment loading to the river. The proposed development area of the project as compared to the overall watershed has been shown to be less than 1% of the watershed. Additionally, the Stillwater "limited review" appears to not have included detailed "Newhall Ranch Phase 2 Fluvial Analysis," prepared by PACE in October 2008 and clearly shows that in the existing condition, only a small fraction of the sediment that is produced in the Long, Potrero, Grande, and Chiquito watersheds can be transported to the river by the existing tributary channels. Therefore, even with the "highly erosive" sub-watersheds, it is not this sediment that is being delivered to the river and ultimately to the Ventura County beaches/ocean.

STILLWATER BRACKETED ITEM #7

Figure 4.2-1 ("Riparian Resources") grossly underestimates the planform extent of the "active channel" path. It is unclear what methodology was employed to define this extent. We and others define the active channel area, or width, as part of the mainstem channel bed that has carried a significant part of the flood and sediment discharge during the recent flood events (see Simons, Li & Associates 1983, 1987, and Stillwater Sciences 2005, 2007, 2011a, b). We previously mapped active channel areas following the river's largest floods in Ventura County, which could have been used as reference in this analysis (see Stillwater Sciences 2005 and 2007). We recently mapped active channel areas in the project area as part of the upper SCR study (see Stillwater Sciences 2011a, b). It can be clearly seen in our maps that the geomorphically active channel areas are considerably broader than those shown in Figure 4.2-1 of the FEIS/R (see also the comparison on the last page of this memo). Specifically within the project area boundaries, the floodplain area where the proposed "Landmark Village" development will be constructed (between the river's right bank and Highway 126) was most recently flooded and scoured during the 1983 flood event, for which we determined the peak instantaneous flow to have a recurrence interval of 15 years (based on 57-year gauge record at the County line and new SCR NR Piru station: WY 1953–2009). This demonstrates just how active the entire channel width and floodplain can be during these episodic events.

PACE RESPONSE

The Corps has its own technical definition for channels and floodplains and that information is provided below to clarify the Corps' characterization of the "active channel." As documented in "A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States" (Lichvar et al. 2008 - ERDC/CRREL TR-08-12, 2008), in arid channel systems, the active floodplain functions in the same manner as the bankfull channel within perennial channel form, in that most hydrologic and fluvial dynamics produced by repeating effective discharges is confined within its boundaries.

Also, the extent of flood model outputs for effective discharges (5-10 year events in arid channels) aligns well with the boundaries of the active floodplain, and the characteristic vegetative behavior and sediment texture associated with the active floodplain/low terrace transition are readily observable in aerial photographs and in the field. (Lichvar et al. 2006 - Distribution of Ordinary High Water Mark (OHWM) Indicators and their Reliability in Identifying the Limits of Waters of the United States in Arid Southwestern Channels, ERDC/CRREL TR-06-5.)

Other citations include:

Lichvar et al. 2004 - Review of Ordinary High Water Mark Indicators for Delineating Arid Streams in the Southwestern United States, ERDC TR-04-1.

Lichvar et al. 2009 - Vegetation and Channel Morphology Response to Ordinary High Water Discharge Events in Arid West Stream Channels, ERDC/CRREL TR-09-5)

The reader is referred to the PACE response to Bracketed Item #4 above and the attached Figure 1 for additional clarification and discussion regarding the “active channel” topic.

Finally, the reader is directed to the FEIS/R, Section 4.2 Appendix reference by Balance Hydrologics, Inc., “Assessment of Potential Impacts resulting from Cumulative Hydromodification Effects, Selected reaches of the Santa Clara River, Los Angeles County, CA” dated October 2005.

STILLWATER BRACKETED ITEM #8

It is not clear how the data representing “upstream” flows in Table 4.2-2 were determined considering that there is only one gauge in this reach located downstream of the project area in Ventura County (i.e., County line and now the new SCR Nr Piru gauges). The assertion of flow changes through the project area is not based on actual data.

PACE RESPONSE

The data from Table 4.2-2 is based upon Table 5-2, page 5-6, of the PACE December 2008 “Newhall Ranch RMDP River and Tributaries Drainage Analysis – Santa Clara River” report which is an appendix to the FEIS/R, Section 4.2. The subject Table 5-2 is copied below and the source of this table is from 1994 USACOE document, “Santa Clara River Adopted Discharge Frequency Values.” Note: The USCOE document did not include LACDPW Capital Flood (“Qcap”) flow rates.

The Qcap values are from 2003 LACDPW updated analysis.

Table 5.2 - Santa Clara River Existing Conditions Discharge By Return Period (cfs)

Location	Station	2-year	5-year	10-year	20-year	50-year	100-year	Qcap
DS Commerce Center Drive	40825	1,720	5,240	9,490	15,600	27,500	40,300	115,111
At Castaic Cr. Confluence	36080	2,527	8,232	14,942	24,157	41,141	58,207	116,236
DS Chiquito Cr. Confluence	32265	2,558	8,333	15,126	24,453	41,646	58,922	140,776
At Grande Cyn. Cr. Confluence	22195	2,581	8,408	15,263	24,675	42,025	59,457	141,426
DS Protrero Cr. Confluence	15125	2,600	8,480	15,400	24,900	42,400	60,000	142,475

The use of the Table 5-2 flow values is consistent with the Newhall Ranch FEIS/R entire evaluation process.

STILLWATER BRACKETED ITEM #9

The assertion on page 4.2-18 that the river channel in the project reach has exhibited “fluctuating stability” over time is directly contradicted by our findings (Stillwater Sciences 2007 [see Figure 5-19], 2011a [see Figure 4-19]) and those of Simons, Li & Associates (1987) that show long-term aggradation, with some localized incision.

PACE RESPONSE

The reader is referred to the Sections 4.1/4.2 reference section for Phase I - Newhall Ranch Santa Clara River Fluvial Analysis Report prepared by PACE and dated March 9, 2006 and specifically, Section 5 "Long-Term Adjustment." In this section of the report, PACE has completed a unique and extensive analyses of historic topographic cross section data for the Santa Clara River including topography from 1930, 1947, 1963, 1999, 2004 and 2005 (topo mapping post high flood event).

The methodology use has since been published in ASCE conference proceedings. This methodology was applied to 16 cross sections within the study reach and results shown in Tables 5.1A and 5.1B where 12 of 16 sections indicate "degrading" trend from 1947 to 2005. In addition, with the 2004 and 2005 topographic mapping, the evaluation of the same 16 cross sections indicated "degradation" trend in 12 of the 16 cross sections for this single event fluvial analysis.

This is another case where the Stillwater reviewers "limited review" has created an incorrect evaluation of the Section 4.2 FEIS/R summary conclusions.

As a result of the rigorous LACDPW review of the PACE "Newhall Ranch – Santa Clara River Phase 1 Fluvial Analysis," there is clearly a more detailed and validated conclusion supporting the statement that the Newhall Ranch Study reach of the Santa Clara River is degrading in most areas. The standard approach that Stillwater used to conclude the "aggrading" conclusion includes use of "thalweg profile" and estimate of "active width." The methodology used in the PACE study included a more rigorous evaluation of the actual historic topography of the river and the results are clearly presented in Section 5.1 of the PACE Phase 1 Fluvial Analysis as referenced above. Furthermore, it is possible that the Stillwater assumption of the 1928 baseline (which was after the St. Francis Dam failure) is a basic flaw in assumption. As one would assume that this dam failure resulted in non-natural event that scoured the river and the river has been in "aggradation mode" since this event. The PACE analysis considered the dam failure event but also evaluated other discrete periods of time (i.e., 1947 to 1963, and 2004 to 2005, etc.) and the conclusion is river "degradation" in majority of study reach.

STILLWATER BRACKETED ITEM #10

(Same page) The assertion that there has been a stable channel width pre- and post-1974 with the closure of Castaic Dam is also directly contradicted by our findings (Stillwater Sciences 2007 [see Figure 5-17], 2011a [see Figure 4-17g, 4-18a]) where significant changes to the active channel width have occurred over the past century in response to the largest flood events. Another more probable explanation why the river has not adjusted morphologically to the closure of Castaic Dam is because the dam not only intercepted sediment, it also changed the hydrological conditions (i.e., reduced peak flows); a condition that will not be present in the project area.

PACE RESPONSE

The reader is referred to the detailed referenced reports as listed below. This comment is similar to Bracketed Item #9 above and the reader should consider the reply listed above for Bracketed Item #10 as well. The Stillwater reviewers' "limited review" constraint is apparent with this comment as well. The detailed information provided in the documents below has been reviewed and approved by LACDPW and validated by other industry professionals.

- "Newhall Ranch River Fluvial Study – Phase 1 – Final Draft" prepared by PACE, March 9, 2006 and approved by LACDPW, April 18, 2006
- "Newhall Ranch River Fluvial Study – Phase 2" prepared by PACE, October 2008 and approved by LACDPW, November 25, 2008
- "Castaic Creek Fluvial - Phase 1 - Final Draft" prepared by PACE, January 20, 2006

The reader is specifically encouraged to consider Section 5 "Long-Term Adjustment" of the Phase 1 Fluvial Analysis where a detailed discussion is presented. The historical topographic cross section is

Subreach	Station	Area by Year (sf)			Δ Area by Year (sf)			
		1947	2004	2005	47-05	Change	04-05	Change
SRA1	44585 ^{1,3}	9209	12312	14990	-5781	DEGRADE	-2678	DEGRADE
SRA2	42215	5609	17251	17107	-11498	DEGRADE	144	AGGRADE
SRA3	40825	4761	7403	10210	-5449	DEGRADE	-2807	DEGRADE
SRA4	36080 ²	12270	21059	21208	-8938	DEGRADE	-149	DEGRADE
SRB1	34720	14344	16868	19520	-5176	DEGRADE	-2652	DEGRADE
SRB2	33500	9132	14857	16523	-7391	DEGRADE	-1666	DEGRADE
SRC1	30445	9172	13898	13351	-4179	DEGRADE	547	AGGRADE
SRC2	27925	7909	7691	7802	107	AGGRADE	-111	DEGRADE
SRC3	25965	7734	9757	9519	-1785	DEGRADE	238	AGGRADE
SRC4	23000	18321	14968	13563	4758	AGGRADE	1405	AGGRADE
SRD1	20845	20069	14737	16091	3978	AGGRADE	-1354	DEGRADE
SRD2	18650	9589	10838	12011	-2422	DEGRADE	-1173	DEGRADE
SRD3	16305	11158	9704	11772	-614	DEGRADE	-2068	DEGRADE
SRE1	14315	8670	12499	13590	-4920	DEGRADE	-1091	DEGRADE
SRE2	12195	6839	6657	8034	-1195	DEGRADE	-1377	DEGRADE
SRE3	10390	10184	5205	5933	4251	AGGRADE	-728	DEGRADE

1- Long-term change analyzed using 1963 data instead of 1947 data because 1947 data is unavailable at this section

2- STA 36080 was chosen to represent sra4 because the downstream confluence is of particular engineering interest to that subreach

3- STA 44585 1947 area uses 1963 data since 1947 data is not available.

Subreach	Station	Average Depth by Year = Area/Top Width (ft)			Δ Average Depth by Year (ft)			
		1947	2004	2005	47-05	Change	04-05	Change
SRA1	44585 ^{1,3}	16.0	18.4	17.8	-2.8	DEGRADE	0.6	AGGRADE
SRA2	42215	5.1	12.8	13.1	-8.0	DEGRADE	-0.3	DEGRADE
SRA3	40825	4.5	7.4	9.7	-5.2	DEGRADE	-2.3	DEGRADE
SRA4	36080 ²	11.6	14.2	14.3	-2.7	DEGRADE	-0.1	DEGRADE
SRB1	34720	9.9	11.4	13.1	-3.2	DEGRADE	-1.7	DEGRADE
SRB2	33500	6.4	8.8	9.8	-3.4	DEGRADE	-1.0	DEGRADE
SRC1	30445	7.3	8.9	8.6	-1.3	DEGRADE	0.3	AGGRADE
SRC2	27925	9.9	14.0	14.3	-4.4	DEGRADE	-0.3	DEGRADE
SRC3	25965	5.7	7.6	7.4	-1.7	DEGRADE	0.2	AGGRADE
SRC4	23000	8.5	7.3	6.6	1.9	AGGRADE	0.7	AGGRADE
SRD1	20845	7.8	5.9	6.4	1.4	AGGRADE	-0.5	DEGRADE
SRD2	18650	5.6	5.6	6.2	-0.6	DEGRADE	-0.6	DEGRADE
SRD3	16305	5.6	5.1	6.3	-0.7	DEGRADE	-1.2	DEGRADE
SRE1	14315	6.1	6.5	7.1	-1.0	DEGRADE	-0.6	DEGRADE
SRE2	12195	5.3	5.1	6.2	-0.9	DEGRADE	-1.1	DEGRADE
SRE3	10390	7.6	4.0	4.5	3.1	AGGRADE	-0.5	DEGRADE

1- Long-term change analyzed using 1963 data instead of 1947 data because 1947 data is unavailable at this section

2- STA 36080 was chosen to represent sra4 because the downstream confluence is of particular engineering interest to that subreach

3- STA 44585 1947 area uses 1963 data since 1947 data is not available.

STILLWATER BRACKETED ITEM #11

(Same page) Assuming that the statement that the closure of Castaic Dam has not had an effect on the river's morphology is true, the dam closure has been found by Simons, Li & Associates (1987) and Stillwater Sciences (2011b) to have caused substantial incision within lower Castaic Creek. This trend has the potential to be continued and possibly worsened following project construction due to further sediment reductions in the creek's major tributary, Hasley Canyon, where the VCC development will be built.

PACE RESPONSE

See the PACE response to Bracketed Item #10 above. Although some incision has been observed in lower Castaic Creek downstream of Castaic Dam since it was constructed, it appears to be relatively stable in the vicinity of Hasley Canyon. Only 70 acres of development within the Valencia Commerce Center remains, which is only 1.4 percent of the entire Hasley Canyon watershed. Cumulatively, the entire build-out of VCC represents 5.8 percent of the Hasley Canyon watershed. Beyond VCC, most of the Hasley Canyon watershed contains rural, residential homes and undeveloped land. It is not anticipated that the remaining build-out of 70 acres in VCC will contribute significantly to future channel incision in lower Castaic Creek.

STILLWATER BRACKETED ITEM #12

(Same page) The assertion that "reset events" are important ignores the historic evidence that bank armoring strongly influences the area and extent of the river following such events, particularly in the upstream half of the project area. They "reset" the channel only within boundaries defined by human infrastructure.

PACE RESPONSE

The reference to "reset events" and the Balance Hydrologic, Inc. report for the Santa Clara River is not used as the basis of finding "no substantial impact to riparian vegetation" in the FEIS/R. The basis for the findings of "no substantial impact to riparian vegetation" is a result of the extensive and detailed analysis as presented in the Section 4.1 and 4.2 technical studies. The Section 4.1 technical study reference PACE 2008 "Newhall Ranch RMDP – River and Tributaries Drainage Analysis" includes extensive evaluation as outlined below.

For the seven project alternatives:

- 1) Alternative 1 (Existing Condition)
- 2) Alternative 2 (Proposed Project)
- 3) Alternative 3 & 4
- 4) Alternative 5
- 5) Alternative 6
- 6) Alternative 7 (Avoidance)
- 7) Alternative 13 (LEDPA)

Each of these conditions has been hydraulically evaluated for the (7) seven flow rates:

- 1) 2-yr
- 2) 5-yr
- 3) 10-yr
- 4) 20-yr
- 5) 50-yr
- 6) 100-yr
- 7) CAP (LACDPW Capital Flood)

The data from these 49 (7 ALT x 7 Flows) hydraulic models has been compiled in a GIS database with topography, vegetation, and other baseline data; and this has been used to provide exhaustive evaluation of the alternatives and the impacts through a comparison of Alternative 1 (Existing Condition) to the various project alternatives. The impact analysis evaluation as provided in the PACE Technical Appendices criteria included the following summary and the detailed impact evaluation is presented in the PACE December 2008. "Newhall Report RMDP – River and Tributaries Drainage Analysis":

- 1) Floodplain Area Impact Analysis (Figure 3.8) for the seven alternative projects and the floodplains created as results of the 2, 5, 10, 20, 50, 100-yr, CAP flow events.
- 2) Further in depth evaluation of the floodplain area by velocity distribution. This information is also provided for each of the (7) project alternatives and the (7) flow rates:
 - Figure 5.7A Floodplain Area by Velocity Distribution, 2-yr
 - Figure 5.7B Floodplain Area by Velocity Distribution, 5-yr
 - Figure 5.7C Floodplain Area by Velocity Distribution, 10-yr
 - Figure 5.7D Floodplain Area by Velocity Distribution, 20-yr
 - Figure 5.7E Floodplain Area by Velocity Distribution, 50-yr
 - Figure 5.7F Floodplain Area by Velocity Distribution, 100-yr
 - Figure 5.7G Floodplain Area by Velocity Distribution, CAP
- 3) The items listed above in 1) and 2) were then used to evaluate the extent of proposed impacts to specific vegetation types within the river corridor. This information is also provided for each of the (7) alternatives and the (7) flow rates:
 - Figure 6.1A Change in Floodplain Area where Velocity > 4 fps by Vegetation Type, 2-yr
 - Figure 6.1B Change in Floodplain Area where Velocity > 4 fps by Vegetation Type, 5-yr
 - Figure 6.1C Change in Floodplain Area where Velocity > 4 fps by Vegetation Type, 10-yr
 - Figure 6.1D Change in Floodplain Area where Velocity > 4 fps by Vegetation Type, 20-yr
 - Figure 6.1E Change in Floodplain Area where Velocity > 4 fps by Vegetation Type, 50-yr
 - Figure 6.1F Change in Floodplain Area where Velocity > 4 fps by Vegetation Type, 100-yr
 - Figure 6.1G Change in Floodplain Area where Velocity > 4 fps by Vegetation Type, CAP
- 4) Figure 6.2A-G include the above information and the analysis of floodplain inundation by vegetation type for each of the (7) project alternatives and each of the (7) flow rates where the velocity is greater than 4 fps (where predicted scour and impact to the vegetation will occur):
 - Figure 6.2A Vegetation Area by Floodplain where Velocity > 4 fps, 2-yr
 - Figure 6.2B Vegetation Area by Floodplain where Velocity > 4 fps, 5-yr
 - Figure 6.2C Vegetation Area by Floodplain where Velocity > 4 fps, 10-yr

- Figure 6.2D Vegetation Area by Floodplain where Velocity > 4 fps, 20-yr
- Figure 6.2E Vegetation Area by Floodplain where Velocity > 4 fps, 50-yr
- Figure 6.2F Vegetation Area by Floodplain where Velocity > 4 fps, 100-yr
- Figure 6.2G Vegetation Area by Floodplain where Velocity > 4 fps, CAP

It is as a result of this in-depth analysis and the numerous steps as defined in the technical documents that have been used to derive the conclusion of no significant impacts. The reference to the “reset event” condition is merely supportive third party confirmation of the conclusion. As clearly shown in the PACE responses to Bracketed Item #9 and #10, the PACE historic river cross section analysis bears strong support for the Balance Hydrologics, Inc. “reset event” report.

STILLWATER BRACKETED ITEM #13

On page 4.2-44, the statement that the “Project involves limited physical modification to the (river) channel and floodplain” is inconsistent with the project description that states that about 29,000 linear feet of bank armoring, in addition to floodplain elevation increases, will be implemented. Also on this page, it is stated that “the Project will involve significant physical modification to all or portions of the drainage channels and floodplain areas for the major tributaries”; however, it is later stated in this document that no significant impacts resulting from the project will occur. Both of these aspects of the project indicate inconsistencies with the significance determination presented here.

PACE RESPONSE

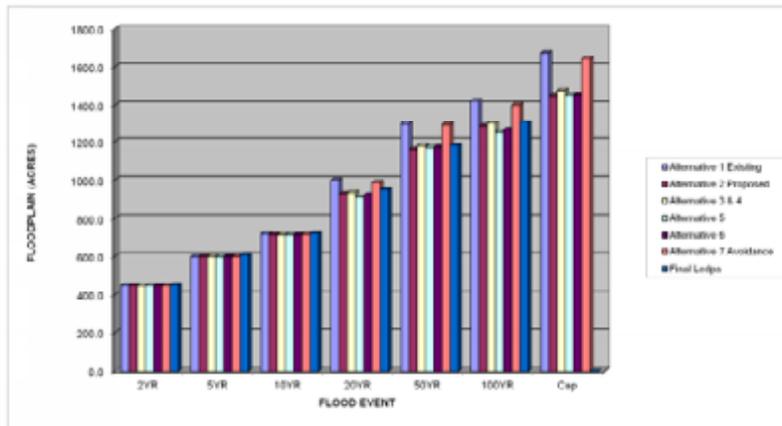
Refer to the PACE responses to Bracketed Items #4 and #12 above for a detailed reply to this comment. Figure 3.8 – Floodplain Acreage Comparison (copied below) from the PACE Report “Newhall Ranch RMDP-River Tributaries Drainage Analysis,” dated December 2008, is the summary table for the extensive analysis provided, which indicates that for the Project (ALT#2) and Final LEDPA (ALT #13), the impact to the total river floodplain is:

- 1) Less than 2% total floodplain impact for 2, 5, 10-year floodplains (and the majority of this is impact to historic and existing agricultural areas within the existing floodplain).
- 2) Impact varies from 5% to 10% for the 20, 50, and 100-year floodplains.

This is clear indication of a minimal impact. Again, the reader is encouraged to evaluate the multiple detailed technical reports that are part of the Newhall Ranch FEIS/R.

FIGURE 3.8: FLOODPLAIN ACREAGE COMPARISON

Flood Frequency YR	Floodplain Acreage																		
	Alternative 1 (Existing) Area (AC)	Alternative 2 (Proposed) Area (AC)	Delta (AC)	Delta %	Alternative 3&4 Area (AC)	Delta (AC)	Delta %	Alternative 5 Area (AC)	Delta (AC)	Delta %	Alternative 6 Area (AC)	Delta (AC)	Delta %	Alternative 7 (Avoidance) Area (AC)	Delta (AC)	Delta %	Alternative 13 Final Lodge Area (AC)	Delta (AC)	Delta %
2	448	448	0.0	0.0%	447	-0.5	-0.1%	448	0.1	0.0%	448	0.1	0.0%	448	0.1	0.0%	451	3.3	0.7%
5	590	600	1.1	0.2%	599	0.9	0.1%	598	-0.1	-0.0%	600	1.2	0.2%	599	0.9	0.1%	610	11.0	1.8%
10	720	717	-3.0	-0.4%	718	-4.9	-0.7%	714	-6.7	-0.9%	715	-4.8	-0.7%	718	-1.8	-0.2%	723	3.3	0.5%
20	960	929	-30.5	-3.1%	934	-85.3	-8.9%	912	-137.3	-14.3%	922	-37.4	-3.9%	968	-10.8	-1.1%	951	-47.7	-4.9%
50	1296	1162	-130.5	-10.1%	1160	-114.5	-8.8%	1171	-122.9	-9.5%	1172	-122.8	-9.5%	1290	-6.2	-0.5%	1162	-111.8	-8.6%
100	1423	1294	-129.0	-9.1%	1290	-124.9	-8.8%	1221	-171.9	-12.1%	1200	-137.3	-11.1%	1432	-20.9	-1.4%	1300	-111.7	-8.3%
CAP	1675	1448	-227.3	-13.6%	1477	-197.6	-11.8%	1451	-223.9	-13.4%	1452	-222.8	-13.3%	1544	-81.1	-4.9%	N/A	N/A	N/A



STILLWATER BRACKETED ITEM #14

It does not appear that using the 1994 hydrology data rather than the 2006 data was appropriate; however, these data were not available during the initial analysis performed by Sikand in 2000. Our analysis of the County line stream gauge data found the largest flood on record (Jan 25, 1969) to have a recurrence interval of 58 years (Stillwater Sciences 2011a, b). We also compute that the 100-year recurrence interval discharge at this gauge would be about 73,000 cfs 1. Our analysis utilized both gauges located near the County line (USGS 11108500 [WY 1953–1996], USGS 11109000 (WY 1997–2009). It appears that the FEIS/R analysis either did not consider the 2006 county dataset, the new county line stream gauge data (USGS 11109000), or both.

For reference, we computed the 1983 flood event that inundated and scoured the “Landmark Village” floodplain area to have a recurrence interval of 15 years. Therefore, it seems probable that this size of flood could occur again in the coming decades; forecasted impacts to the modified project reach are not sufficiently explored and critically evaluated in the FEIS/R.

The project design elements appear to depend greatly on the accuracy of their 50-year prediction. On page 4.1-4 of the FEIS/R, it is stated that the project preparation would include “the placement of sufficient fill material across the site (floodplain), so as to provide a minimum of one foot of freeboard above the 50-year level.” Given that there is some question as to the accuracy of the 50-year recurrence interval discharge (and the corresponding flow depth); this represents a significant shortcoming in the FEIS/R analysis on flooding hazards.

PACE RESPONSE

The reader is referred to the PACE response to Bracketed Item #1D above. In summary, it appears that a clarification of the various return period nomenclatures is necessary.

In the PACE “Newhall Ranch Resource Management & Development Plan Major Tributary Watersheds – Santa Clara River and Tributaries Drainage Analysis” dated December 2008, the following return period flood events were evaluated for the existing and multiple project conditions: 2-, 5-, 10-, 20-, 50-, 100-, LA County Capital Flood. It is the “LA County Capital Flood” that some people are not familiar with. A detailed description is provided in the PACE RMDP Report in Section 4.1. The brief clarification is that the Los Angeles County Capital Flood is the 50-year burned and bulked flow rate. As it turns out within the



Newhall Ranch boundary the " Q_{cap} ," as it is sometimes referred to, is 2.2 to 2.8 time larger than the 100-year flood flow rates (see Table 5-2 in PACE RMDP Report).

The design criterion for the river and tributary flood protection is required by LACDPW to be a Q_{cap} event. Therefore, the storm drainage infrastructure has been sized based on this Q_{cap} criterion, which far exceeds the 66,600 cfs at the Los Angeles County/Ventura County line and all other locations within the proposed development. Therefore, the Stillwater concerns regarding a $Q_{100} = 73,000$ cfs is not relevant as the Landmark and other proposed villages have used LACDPW Q_{cap} design criteria (142,475 cfs) which far exceeds the 73,000 cfs.

Additionally, the "accuracy of the 50-year prediction" as suggested by Stillwater is not critical as the LACDPW Q_{cap} criteria will require project fill and bank protection that in most cases results in a top of bank protection that is 5 or more feet higher than the 100-year flood level.

STILLWATER BRACKETED ITEM #15

We were not able to thoroughly review the supporting hydraulic studies; however, the large increase in average annual stormwater runoff volume released from the project site likely represents a significant impact to the local river reach and farther downstream into Ventura County.

PACE RESPONSE

The Stillwater comparison of the increase of the "average annual developed area runoff" to the 2, 5, 10, 20, 50, 100-year, CAP flow rates that have been used for hydraulic impact analysis of the river is not a valid comparison. The "average annual flow" can have increase as result of the project but this will not result in changes to the 2, 5, 10-year flows. Additionally, LACDPW's hydromodification policy will be applied to final design requirements for the project, which will address hydromodification impacts.

Additionally, Sikand Engineering characterized the hydrology of the Santa Clara River in two technical reports (Sikand 2000a, 2000b), and those reports were hydrologically-based analyses, which were used as a method to evaluate potential increases in runoff (river flow rates for 2-, 5-, 10-, 20-, 50-, and 100-year events) and, more specifically, to determine the downstream extent of the impacts for each of these flow events. The Sikand analyses are based on two primary principles of water resource engineering:

- (1) When a percentage of impermeable area (i.e., roof tops and asphalt) is increased in a watershed, the runoff flow rate is increased ("Principal 1"); and
- (2) The timing of runoff from sub-watersheds and potential impacts to the overall river flow rate will be dissipated in downstream reaches where additional watersheds add to the flow rate ("Principal 2").

For Principle 1, Sikand took a conservative approach and increased the percentage of impermeable area in the analysis. There was no accommodation for low impact development (LID) or hydromodification policy requirements, which require post-development discharges to the River to not exceed pre-development flow rates. Thus, the Sikand analyses were conservative in assessing potential downstream impacts and determining the maximum extent of change in the downstream reach. As noted above, the Corps' final LEDPA has incorporated a LID Performance Standard, which Geosyntec notes is conceptually similar to the LID requirements in the Ventura County MS4 NPDES Permit. For further information on the project's implementation of LID best management practices, please see the LID Water Quality Analysis Results for RMDP Project Area Technical Memorandum (Geosyntec, 2011a).

Principle 2 was used to establish the downstream extent of possible impacts, and thus, the project study limits.

In contrast, the 2008/2010 PACE studies were hydraulically-based analyses, and were developed and used to evaluate the hydraulic (floodplain, velocity, depth, etc.) impacts due to the proposed on-site bank

protection and various alternative locations of the proposed bank protection. In order to provide an evaluation of hydraulic impacts caused by the proposed bank protection, it was necessary to evaluate the pre- and post-developed conditions with the same flow rates. Using different pre- and post-flow rates would provide a distorted view when evaluating the specific impacts of the proposed bank protection alternatives.

For the specific condition of the reach downstream of the Los Angeles County/Ventura County line, the PACE studies showed that there would be no impacts due to any of the proposed project bank protection alternatives. This no impact determination is based upon fundamental principles of fluid mechanics and the fact that, in subcritical flow regime, there can be no change in water surface elevation for the downstream cross-sections where there is no bank protection in the downstream area that would narrow the channel cross-section.

STILLWATER BRACKETED ITEM #16

Similar to our response to Question #2, the FEIS/R does acknowledge that localized increases in flow hydraulics (i.e., shear stresses) will potentially occur. Although we do not agree with their conclusion that these increases do not pose a significant impact to the stability of the Santa Clara River and its tributaries.

PACE RESPONSE:

Refer to the PACE response to Bracketed Item #3 above. Additionally, the reader is reminded that for the hydraulic analysis that has been proven to be in a subcritical flow regime, therefore, it would physically be impossible to have impacts to the reach of the river downstream of the Los Angeles County/Ventura County line without changes to the cross sections in Ventura County. This project only proposed changes to the cross sections upstream of the County line, and, therefore, the impacts to water surface elevation and velocity are limited to Newhall's land within the project site Newhall Ranch boundary.

STILLWATER BRACKETED ITEM #17A

In summary, the project area is situated within one of the most highly productive parts of the SCR watershed for sediment loading to the river and the downstream beaches of the Santa Barbara channel.

PACE RESPONSE:

The entire Santa Clara River watershed is highly erosive and sediment loading source to the river. The proposed development area of the project as compared to the overall watershed has been shown to be less than 1% of the watershed (see Figure 3 attached to this reply). Additionally, Stillwater's "limited review" appears to not have included the detailed "Newhall Ranch Phase 2 Fluvial Analysis," prepared by PACE in October 2008. This report clearly shows that in the existing condition, only a small fraction of the sediment that is produced in the Long, Potrero, Grande, and Chiquito watersheds can be transported to the river by the existing tributary channels. Therefore, even with the "highly erosive" sub-watersheds, it is not this sediment that is being delivered to the river and ultimately to the beaches/ocean.

As stated in PACE response to Bracketed Item #5, this report and conclusions received considerable review by experts and was approved by LACDPW

STILLWATER BRACKETED ITEM #17B

From the perspective of human development, the stabilization of the rapidly eroding uplands could represent a positive outcome of the project; however, the associated impacts on the downstream system are not at all quantified and the values presented in the FEIS/R are grossly understated.

PACE RESPONSE:

As stated numerous occasions above, the FEIS/R is based upon multiple documents prepared and reviewed by multiple private and public agency experts in the industry. All will agree that the analysis provided does not provide exact specific answers, but rather an "order of magnitude" evaluation; and with any level of detailed review, the supporting documentation will likely not be found to be "grossly understated." Refer to the previously documented P.W.A. review memorandum, dated January 2008, which confirmed the methodology and results of the PACE Phase 2 Fluvial Analysis.

STILLWATER BRACKETED ITEM #17C

When considering that the project will increase stormwater runoff volume, but reduce sediment supply to a historically dynamic river reach that will be constrained by significant bank armoring, it is highly probable that resulting channel instabilities not yet considered in the FEIS/R study will occur. For example, channel incision appears to be a likely result, along with associated bank erosion along those segments not receiving armoring treatment at the onset of project. Continued channel maintenance would therefore be expected in the long-term and the remaining active river and tributary channels respond to this and other developments in the upper watershed. Some years or decades post-construction, full armoring of one of the last unconstrained reaches of the upper SCR seems likely.

Encroachment into and armoring of the active channel boundaries of the mainstem river will undoubtedly reduce ecological function in the river and riparian zone; this reach is presently the least constrained of the upper SCR and a significant fraction of the unconstrained river throughout the entire watershed. Therefore, we presume that its current ecological value is substantially greater than its fraction of the total river length.

PACE RESPONSE

The increase in the "Average Annual Runoff Volume" (to be clear, there is no increase in the evaluated 2, 5, 10, 20, 50, 100,-year and CAP flow rates of the Santa Clara River) has not been shown to be a direct correlation to increased channel instabilities.

The analysis provided in the FEIS/R and other related and unrelated works nearly all indicate that there is some level of instability in the existing condition of the Santa Clara River. It is the conclusion of the FEIS/R that the resulting impacts from the proposed development projects will not be perceivable within the response of the watershed/river.

Maintenance of the existing condition has been required since the early 1900's and it is anticipated that maintenance will continue to be required once the proposed project has been completed. Currently, it is not anticipated (the FEIS/R Analysis has shown and been reviewed and validated) that there will be a requirement for additional river bank protection beyond what is currently provided.

STILLWATER BRACKETED ITEM #18

For your reference, my position is Senior Geomorphologist/Geologist at Stillwater Sciences where I specialize in studying and interpreting the dynamics of watershed geomorphology. I have been involved with studying the geomorphology, hydrology, and geology of the entire Santa Clara River watershed for the past 4 years. My most recent effort was the completion of a detailed upper SCR watershed geomorphology assessment (Stillwater Sciences 2011), which included synthesizing the document with our 2007 lower SCR assessment document to produce a comprehensive account of the hydrogeomorphic processes in the entire watershed, from a historic, contemporary, and future perspective. This work was conducted for the Santa Clara

River Watershed Feasibility Study agencies, which includes the L.A. Department of Public Works, Ventura County Watershed Protection District, and the U.S. Army Corps of Engineers–L.A. District.

This review was also conducted by Drs. Derek Booth and Yantao Cui who serve as our senior Geologist and Hydraulic Engineer, respectively. Dr. Booth has 32 years' experience in the fields of river dynamics and deposits, urban watershed management and stormwater, landscape processes, and geologic hazards. Dr. Cui's expertise is in hydraulic, hydrologic, sediment transport, and fluvial geomorphologic analyses. Both have extensive experience working in coastal California watersheds, including the SCR basin; Dr. Booth is also an Adjunct Professor in the Bren School of Environmental Science and Management at the University of California Santa Barbara.

PACE RESPONSE

Background of PACE Team:

Mark Krebs, PE – River Engineering / Restoration Specialist

Mark Krebs engineering and construction experience spanning back to 1988 with both public and private sector projects. His public development project design and construction experience includes all phases of storm drainage, hydrology, hydraulics, sediment transport, bank protection design, including computer modeling analyses and design for many private and municipal FEMA flood-control projects. Mr. Krebs was a key design team member and resident engineer during design, construction and start-up of the University of California, Santa Barbara's SNARL Experimental Stream System project at Mammoth Lakes. Mr. Krebs has been Principal-In-Charge for over 40 projects within the Santa Clara River Watershed. Mr. Krebs has served on the LACDPW Hydromodification Technical Committee.

In addition to the responsibility of being an officer of the company and President of PACE, Mr. Krebs has been Principal / Sr. Project Manager and the lead design engineer on numerous water resources projects.

- Sediment transport and fluvial systems
- River engineering and stream mechanics
- Bioengineering and geomorphic restoration techniques

Bruce Phillips, MS, PE – River Engineering / Restoration Specialist

Over twenty years of technical experience in watershed planning and riverine hydraulic investigations that incorporates innovative techniques for streambank stabilization, geomorphic and bioengineering techniques, floodplain assessments, and successful riparian replacement programs. He has prepared numerous sediment transport analyses on many of Southern California's rivers and streams, including moveable bed models, scour determinations, sediment budget modeling, debris generation, and alluvial fan evaluations. He has experience with numerous computer hydraulic models and has applied current state-of-the-art programs for watershed modeling of a variety of complex watersheds. He is also an instructor at several of the local universities for courses in environmental engineering, hydraulics, and hydrology, as well as publishing numerous technical articles in these areas.

- Sediment transport and fluvial systems
- River engineering and stream mechanics
- Bioengineering and geomorphic restoration techniques
- Complex watershed and floodplain modeling

David Jaffe, PE, PhD – Hydraulic and Hydrologic Modeling Specialist

He has a broad knowledge base in geophysical fluids and civil and environmental engineering. As an engineer, Dr. Jaffe has designed sediment basins, stormwater and water quality BMPs, and developed

flood control strategies. Additionally, Dr. Jaffe benefits from both practical and conceptual hydrologic and hydraulic experience. He has directed and conducted research in flood control design and floodplain management, as well as pollution source studies at the University of California, Irvine. Dr. Jaffe has extensive experience in geophysical and shallow-water numerical modeling.

- Geophysical and shallow-water numerical modeling
- Hydrologic and hydraulic analysis and design
- Pollution source determination and mitigation
- Floodplain management and flood control design

NOTE: David Jaffe is currently employed by Dudek Engineers but worked for PACE in 2002 to 2010 and contributed to many of the Newhall Ranch EIS/EIR Technical Reports.

Andrew Ronnau, PE, PhD – Hydraulic and Hydrologic Modeling Specialist

Andrew Ronnau has extensive experience working with numerical and mathematical models for engineering problems. Andrew has a PhD in Civil Engineering, with an emphasis in numerical modeling. He has experience in analysis and design for stormwater management, including hydrology, hydraulics, open channels, culverts, detention and retention basins, flood routing, BMPs, WQMPs, and Master Drainage Plans. Andrew is proficient with the HEC-1, HEC-HMS, HEC-RAS, HEC-GeoRAS, AES, FLO-2D, and XPSWMM software packages.

- Hydrology, hydraulics, and sediment transport
- Complex watershed and floodplain modeling

Ron Rovanseck, PE, PhD, LEED AP – Water Quality / Watershed Management Specialist

Background focus in water resources and civil engineering experience both as a researcher and consulting engineer. He spent three years with USEPA investigating watershed management and water quality engineering techniques, and has extensive academic research experience in watershed hydrology and sediment transport. As a consulting engineer, Dr. Rovanseck has designed flood control facilities, sediment basins, and water quality BMPs, modeled hydraulics and sediment transport for rivers, streams, and watersheds, and prepared rough grading and drainage plans for large projects. In addition he has expertise and design experience with stream and wetland restoration projects, and experience working with local, state and federal regulatory agencies.

- Watershed management and water quality engineering
- Flood control, grading, and drainage design
- Hydrology, hydraulics, and sediment transport
- Ecosystem and stream restoration
- Environmental regulations and permitting

If you have any questions regarding the above responses, please feel free to give us a call at PACE.

Sincerely,



Mark E. Krebs, P.E.
President

MEK/db

cc: Matt Carpenter – Newhall Land
Enclosures: - Figures 1, 2, and 3



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

**BOS-2 Letters to Board of Supervisors from various Organizations/Individuals, dated
September 1-20, 2011**

9/2/11

Re: Landmark Village and Mission Village

This is to voice my strong opinion against the Landmark Village and Mission Village development proposed in Santa Clarita.

Please Vote Against this project.

We do not have adequate water for this project.

Our roads are already gridlocked.

Pollution in SCV is already very bad.

Please do not use public funds to support the infrastructure for this project - it is not right!

Please deny permits for this project!

Dr Randy Martin
23812 Spinnaker Court
Valencia, CA 91355
310 663 8972
drrandymartin@gmail.com

A handwritten signature in black ink, appearing to be 'Randy Martin', with a long, sweeping horizontal stroke extending to the right.

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Objection to Delay of Landmark Village Hearing Noticed for 9-27-11
Via Fax to Executive Office is 213 620 0636
Via Email to mcieplik@bos.lacounty.gov

Please copy to all Supervisors and enter into the Administrative Record for Landmark Village

Dear Sirs:

We are troubled to be advised that you have delayed this hearing by means of a motion on a supplemental addition to your Tuesday, Sept. 13, 2011 agenda. This is the second time you have set a date, and then subsequently changed it. Thus, it appears that such a move yet again and on such short notice, may be motivated by an effort to discourage public participation in the hearing for this unpopular proposal.

As you are undoubtedly aware, many groups have already spent a considerable amount of time and money in an effort to notify their members and encourage them to address the Board on this matter. We believe that such public testimony is important for the Board to have in order to fully consider the impacts of this project. We also object to this delay since those notified through legal advertisements in the newspapers and other means will not be apprised of the change.

The controversial Newhall Ranch project has been a matter of public debate for over a decade because of its many severe impacts to the Santa Clara River, Los Angeles County's last free-flowing river, and the reduction in quality of life it will bring to residents of Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic jams on crowded freeways and surface streets created by this project will add to this poor air quality.

The public has expressed to us their desire to speak to the Board on these matters. We encourage the Board to ensure that the public has a fair opportunity to be informed of the time and date of the hearing and speak its mind on this important issue. Changing the date for a mere one-week delay noticed on a supplemental agenda item gives the appearance that the Board is trying to avoid public participation.

Therefore we request that this public hearing be pulled entirely from the Oct 4th agenda and re-noticed with the required legal postings including signage and newspaper advertising.

We further request that anyone appearing on the previously legally noticed date of September 27th be encouraged to provide their testimony to the Board. Many people have already made adjustments in their schedules, submitted notice for time off work or changed vacation plans in order to attend this hearing. They may or may not be able to change those plans a second time, so they should be afforded the opportunity to speak.

Thank you for your time and attention to this matter.

Sincerely,
Cam Noltemeyer, 25936 Sardinia Court, Valencia CA 91355 (661) 259-7112

Friends of the Santa Clara River
660 Randy Drive Newbury Park, CA 91320 805-498-4323
www.fscr.org

September 15, 2011

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Objection to Delay of Landmark Village Hearing Noticed for 9-27-11
Via Fax to Executive Office is 213 620 0636
Via Email to mcieplik@bos.lacounty.gov

Please copy to all Supervisors and enter into the Administrative Record for Landmark Village

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We are astonished to be advised that you have delayed this hearing by means of a motion on a supplemental addition to your Tuesday, Sept. 13, 2011 agenda. This is the second time a date has been set and then changed.

As you are undoubtedly aware, many groups have already spent a considerable amount of time and money in an effort to notify their members and encourage them to address the Board on this matter. We believe that such public testimony is important for the Board to have in order to fully consider the impacts of this project. We also object to this delay since those notified through legal advertisements in the newspapers and other means will not be aware of the change.

The controversial Newhall Ranch project has been a matter of public debate for over a decade. The public has expressed to us their desire to speak to the Board on these matters. We encourage the Board to ensure that the public has a fair opportunity to be informed of the time and date of the hearing and speak its mind on this important issue. **Changing the date for a mere one-week delay noticed on a supplemental agenda item gives the appearance that the Board is trying to avoid public participation.**

Therefore we request that this public hearing be pulled entirely from the Oct 4th agenda and re-noticed with the required legal postings including signage and newspaper advertising.

Sincerely,

Ron Bottorff, Chairman

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



9-15-11

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Objection to Delay of Landmark Village Hearing Noticed for 9-27-11
Via Fax to Executive Office is 213 620 0636
Via Email to mcieplik@bos.lacounty.gov, iumana@bos.lacounty.gov

Please copy to all Supervisors and enter into the Administrative Record for Landmark Village

Dear Sirs:

We are troubled to be advised that you have delayed this hearing by means of a motion on a supplemental addition to your Tuesday, Sept. 13, 2011 agenda. This is the second time you have set a date, and then subsequently changed it. Thus, it appears that such a move yet again and on such short notice, may be motivated by an effort to discourage public participation in the hearing for this unpopular proposal.

As you are undoubtedly aware, many groups have already spent a considerable amount of time and money in an effort to notify their members and encourage them to address the Board on this matter. We believe that such public testimony is important for the Board to have in order to fully consider the impacts of this project. We also object to this delay since those notified through legal advertisements in the newspapers and other means will not be apprised of the change.

The controversial Newhall Ranch project has been a matter of public debate for over a decade because of its many severe impacts to the Santa Clara River, Los Angeles County's last free-flowing river, and the reduction in quality of life it will bring to residents of Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic jams on crowded freeways and surface streets created by this project will add to this poor air quality.

The public has expressed to us their desire to speak to the Board on these matters. We encourage the Board to ensure that the public has a fair opportunity to be informed of the time and date of the hearing and speak its mind on this important issue. Changing the date for

a mere one-week delay noticed on a supplemental agenda item gives the appearance that the Board is trying to avoid public participation.

Therefore we request that this public hearing be pulled entirely from the Oct 4th agenda and re-noticed with the required legal postings including signage and newspaper advertising.

We further request that anyone appearing on the previously legally noticed date of September 27th be encouraged to provide their testimony to the Board. Many people have already made adjustments in their schedules, submitted notice for time off work or changed vacation plans in order to attend this hearing. They may or may not be able to change those plans a second time, so they should be afforded the opportunity to speak.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Plambeck".

Lynne Plambeck
President



TriCounty Watchdogs

*...protecting mountain resources and communities
in Kern, Los Angeles, and Ventura Counties.*

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Date 9/19/11

Re: Objection to Delay of Landmark Village Hearing Noticed for 9-27-11

TCW
11667 Steinhoff Rd
Frazier Park
California 93225
tcwdogs@frazmtn.com
www.tcwdogs.org

Please copy to all Supervisors and enter into the Administrative Record for Landmark Village

Dear Sirs:

We object to the delay of this hearing by one week, made by motion of the Supervisor instead of properly re-noticing the hearing with the legal 30 days notice. This is the second time you have set a date, and then subsequently changed it. Continued change of a noticed public hearing makes it appear that there is an effort to discourage public participation in the hearing for this unpopular proposal. We also object to this delay since those notified through legal advertisements in the newspapers and other means will not be apprised of the change.

As you are undoubtedly aware, many groups have already spent a considerable amount of time and money in an effort to notify their members and encourage them to address the Board on this matter. We believe that such public testimony is important for the Board to hear, in order to fully consider the impacts of this project.

Further, we are concerned about the transfer of water from the already over-drafted Kern River to supply urban sprawl in Los Angeles County. Also, the Kern water transfer is only a 35 year contract, 10 years of which has already expired. What will Newhall Ranch do after that? These issues must be addressed by your whole Board.

The controversial Newhall Ranch project has been a matter of public debate for over a decade because of its many severe impacts to the Santa Clara River, Los Angeles County's last free-flowing river, and the reduction in quality of life it will bring to residents of Los Angeles County. Many of our members intended to appear before you to express our concern over this entitlement and the harm it will do to the Santa Clara and Kern Rivers.

TriCounty Watchdogs

*...protecting mountain resources and communities
in Kern, Los Angeles, and Ventura Counties.*

Again, changing the date for a mere one-week delay noticed on a supplemental agenda item gives the appearance that the Board is trying to avoid public participation.

Therefore we request that this public hearing be pulled entirely from the Oct 4th agenda and re-noticed with the required legal postings including signage and newspaper advertising.

We further request that anyone appearing on the previously legally noticed date of September 27th be encouraged to provide their testimony to the Board. Many people have already made adjustments in their schedules, submitted notice for time off work or changed vacation plans in order to attend this hearing. They may or may not be able to change those plans a second time, so they should be afforded the opportunity to speak.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. de Leeuw', is positioned above the typed name of the sender.

For TriCounty Watchdogs
Jan de Leeuw, Ph.D.

TCW
11667 Steinhoff Rd
Frazier Park
California 93225
tcwdogs@frazmtn.com
www.tcwdogs.org

President

Bill Center

Presidents Emeritus

Sage Sweetwood
John Van de Kamp

Senior Vice President

Kevin Johnson

Secretary/Treasurer

David Mogavero



Regional Vice Presidents

Elisabeth Brown
Jan Chatten-Brown
Phyllis Faber
Rick Hawley
Fran Layton
Doug Linney
David Mogavero
Teresa Villegas
Amy White
Bill Yeates

September 20, 2011

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

RE: OBJECTION TO DELAY OF LANDMARK VILLAGE HEARING NOTICED FOR 9-27-11

Please copy to all Supervisors and enter into the Administrative Record for Landmark Village

Dear Sirs:

The Planning and Conservation League has actively provided comments on the proposed Newhall Ranch Development since 2004. Considering the size of the proposed project (arguably the largest in the state of California) and the critical need for public review and transparency in the decision making process, we are troubled to hear you have delayed the September 27, 2011 hearing by means of a motion on a supplemental addition to your Tuesday, Sept. 13, 2011 agenda. This is the second time you have set a date, and then subsequently changed it. Thus, it appears that such a move yet again and on such short notice, may be motivated by an effort to discourage public participation in the hearing for this unpopular proposal.

As you are undoubtedly aware, the Planning and Conservation League and many other groups have already spent a considerable amount of time and money in an effort to notify their members and encourage them to address the Board on this matter. We believe that such public testimony is important for the Board to have in order to fully consider the impacts of this project. We also object to this delay since those notified through legal advertisements in the newspapers and other means will not be apprised of the change.

The controversial Newhall Ranch project has been a matter of public debate for over a decade because of its many severe impacts to the Santa Clara River, Los Angeles County's last free-flowing river, and the reduction in quality of life it will bring to residents of Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic jams on crowded freeways and surface streets created by this project will add to this poor air quality.

The public has expressed to us their desire to speak to the Board on these matters. We encourage the Board to ensure that the public has a fair opportunity to be informed of the time and date of the hearing and speak its mind on this important issue. Changing the date for a mere one-week delay noticed on a supplemental agenda item gives the appearance that the Board is trying to avoid public participation.

Therefore we request that this public hearing be pulled entirely from the Oct 4th agenda and re-noticed with the required legal postings including signage and newspaper advertising.



1107 9th Street, Suite 901, Sacramento, CA 95814 Phone: 916-822-5631 Fax: 916-448-1789

Website: www.pcl.org Email: pclmail@pcl.org

This letter is printed on 60% recycled fiber, 30% post consumer waste, acid free paper.



We further request that anyone appearing on the previously legally noticed date of September 27th be encouraged to provide their testimony to the Board. Many people have already made adjustments in their schedules, submitted notice for time off work or changed vacation plans in order to attend this hearing. They may or may not be able to change those plans a second time, so they should be afforded the opportunity to speak.

Thank you for your time and attention to this matter.

Sincerely,



Evon Parvaneh Chambers
Water Policy & Planning Analyst
echambers@pcl.org



california water impact network

Board of Directors

September 20, 2011

Caroles Krieger
president

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Michael Jackson
secretary

Jim Edmondson
treasurer

Via Fax to Executive Office is 213 620 0636
Via Email to publichearing@bos.lacounty.gov

Malinda Chouinard
director

Re: Objection to Delay of Landmark Village Hearing Noticed for 9-27-11

Yvon Chouinard
director

Please Enter into the Administrative Record for Landmark Village and Copy all Supervisors

Nick Di Croce
director

Dear Sirs:

Josh Green
director

C-WIN has commented on this project extensively throughout the project review period. It is therefore disappointing to us to find that your Board delayed the noticed meeting. We object to the delay of this hearing by one week on short notice made by motion of the Supervisor rather than properly re-noticing the hearing with the legal 30 days notice. This is the second time you have set a date, and then subsequently changed it. Continued change of a noticed public hearing makes it appear that there is an effort to discourage public participation in the hearing for this unpopular proposal. We also object to this delay since those notified through legal advertisements in the newspapers and other means will not be apprised of the change.

Bill Jennings
director

Huey Johnson
director

Tom Stokely
*director,
water policy
coordinator*

Barbara Vlamis
director

As you are undoubtedly aware, many groups have already spent a considerable amount of time and money in an effort to notify their members and encourage them to address the Board on this matter. We believe that such public testimony is important for the Board to hear, in order to fully consider the impacts of this project.

**In memoriam
Dorothy Green**
founding secretary

Web Site:

www.cwin.org

Staff

Tim Strohane
*senior research
associate*

As a statewide organization whose mission is to ensure that water supplies remain in the public domain, C-WIN is particularly concerned about the purchase and transfer of water from the already over-drafted Kern River to supply a particular developer in Los Angeles County. Such private water transfers may undermine County planning authority by allowing water hoarding and direction of water supplies to only certain large corporate developments while smaller developers without the means to obtain a water supply cannot build. We urge your Board to carefully consider the propriety and ethics of such a policy. (Please see that attached Editorial Opinion from *the Bakersfield Californian*).

Advisors

**Maude Barlow
Gray Brechir
Hilal Elver**

The controversial Newhall Ranch project has been a matter of public debate for over a decade because of its many severe impacts to the Santa Clara River, Los Angeles County's last free-flowing river, and the reduction in quality of life it will bring to residents of Los Angeles County and to the state of California.

Landmark Village
September 20, 2011
Page 2 of 5

Landmark Village proposes nearly 1,500 dwelling units, over a million square feet of commercial space, and a major new bridge over the Santa Clara River through currently undeveloped wildlands and prime farm acreage. It will impact nearly 1,000 acres of natural open space along the Santa Clara River just west of Interstate 5. Of the 17 miles of tributary streams that Newhall Ranch proposes to eliminate, many are found at the Landmark Village site.

Many of our members intended to appear before you to express our concern over this entitlement and the harm it will do to the Santa Clara and Kern Rivers. Changing the date for a mere one-week delay, noticed on a supplemental agenda item gives the appearance that the Board is trying to avoid public participation.

We believe that such improper notification may violate the Subdivision Map Act. We therefor request that this public hearing be pulled entirely from the Oct 4th agenda and re-noticed with the required legal postings including signage and newspaper advertising.

Thank you for your time and attention to this matter.

Sincerely,



President and Executive Director
California Water Impact Network

Attachment:

LOIS HENRY: Funny how it all comes back to Kern River water
The Bakersfield Californian | Saturday, Aug 21 2010 08:30 PM

Landmark Village
September 20, 2011
Page 3 of 5

LOIS HENRY: Funny how it all comes back to Kern River water

The Bakersfield Californian | Saturday, Aug 21 2010 08:30 PM

Last Updated Saturday, Aug 21 2010 08:30 PM

I read recently that some investors in a bankrupted real estate company called LandSource Communities Development are suing for fraud.

I know, I know, doesn't mean much to you at first glance.

But in a funny "hmmm...", rather than a funny "ha ha," kind of way, this all comes back to the Kern River.

It also serves as a cautionary tale of the bad things that can befall us all when we let our precious water slip away.

OK, follow along.

LandSource, controlled by LNR Property Corp. and homebuilder Lennar Corp., had one big fat asset, the 12,000-acre Newhall Ranch tract just north of Los Angeles on which close to 21,000 homes are planned.

Around 2006, a number of entities bought in to LandSource, including CalPERS, California's largest public employee pension group, which jumped in to the tune of nearly \$1 billion.

The idea was they'd slap up a sprawling mega development, people would buy the overpriced homes and everyone would walk away fat and happy.

Why they couldn't read the handwriting on the wall in 2006 is a mystery, but there you have it.

The real estate market went bust, LandSource filed for bankruptcy in 2008 and CalPERS lost every penny of that investment. CalPERS isn't part of the fraud lawsuit, by the way.

Now, of course, CalPERS is leaning on municipalities to increase their annual payments to the pension system to make up for losses incurred from both the stock and real estate markets. (The Sacramento Bee reported CalPERS lost \$11 billion in its real estate portfolio in the 12 months ending April 30. Wow.)

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So, Bakersfield, already strapped for cash from lower sales taxes and state funding cuts, is faced with higher pension payments to CalPERS even as it has to cut employees and scrap much needed public services.

But it might not have happened, or at least not been so bad, if Jim Nickel hadn't been able to sell 1,600 acre feet a year of Kern River water in a 30-plus-year contract to Newhall Ranch developers.

No secure water supply, no development. No development, no investment opportunity. No crummy investment, no \$1 billion loss. No loss, less need for CalPERS to lean on Bakersfield.

And here's the real rub.

Nickel was only able to sell that Kern River water after the Kern County Water Agency used \$10 million of taxpayer money via a state bond to do an elaborate water-rights deal with the Nickel family.

The agency bought the Nickels' so-called "Hacienda" right, which is high flow Kern River water that only comes along every four or five years. It's estimated to average 50,000 acre feet a year. Most years it's zero acre feet.

The agency gave Nickel the \$10 million in taxpayer money and got 40,000 acre feet a year of high flow water, whenever that occurs.

The agency also promised to deliver 10,000 acre feet a year to Nickel every single year no matter what, plus it agreed to use its access to canals and facilities through the State Water Project to move that water around for the Nickels to anywhere they wanted to sell it.

In exchange, the agency gets 10 percent of every sale. So far, that's added up to \$3.2 million for the agency and \$30 million for the Nickel family since the deal was inked in 2001.

The agency did get two years of high flow water between then and now, which it mostly tucked away in water banks for future use by farmers and for exchanges with Southern California users.

Nickel had a steady supply of water that quickly attracted buyers including Newhall, which has been banking that 1,600 acre feet a year as the developers' fortunes have been in flux.

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And just last year, Nickel sold 8,393 acre feet to DMB Associates, which hopes to use part of it to develop 12,000 homes on 1,400 acres of sensitive salt marshes near Redwood City.

So, we taxpayers spent a fortune for Kern River water we don't have the use of, that funded a deal to make one family very rich and trigger sprawl that blew a hole in the finances of a pension system that we're now being tapped to fill.

Like I said, funny "hmmm ..." Definitely not funny "ha ha."

Opinions expressed in this column are those of Lois Henry, not The Bakersfield Californian. Her column appears Wednesdays and Sundays. Comment at people.bakersfield.com/home/Blog/noholdsbarred, call her at 395-7373 or e-mail lhenry@bakersfield.com

**BOS-2 Letters to Board of Supervisors from various Organizations/Individuals,
dated September 2-20, 2011**

Comment letters were received by the Executive Office of the County Board of Supervisors from September 2, 2011 through September 20, 2011. The comment letters/e-mail were from the following:

- (a) Dr. Randy Martin, dated September 2, 2011;
- (b) Cam Noltemeyer, dated September 14, 2011; and
- (c) Sierra Club, Angeles Chapter dated September 15, 2011
- (d) Friends of the Santa Clara River, dated September 15, 2011;
- (e) SCOPE, dated September 15, 2011;
- (f) TriCounty Watchdogs, dated September 19, 2011;
- (g) Planning and Conservation League, dated September 20, 2011;
- (h) California Water Impact Network, dated September 20, 2011; and

Note that Topical Responses from the Revised Final EIR referenced in this response are presented in a separate section entitled "Referenced Topical Responses from the Landmark Village Revised Final EIR, September 2011."

Response to Issues Concerning Continuance of Landmark Village Hearing

Comments refer to the Board of Supervisors' continuance of the public hearing concerning the Landmark Village project. The hearing was continued from September 27 to October 4, 2011. The comments claim that the continuance "may be motivated by an effort to discourage public participation." The comments request that the public hearing be pulled from the October 4 agenda and re-noticed. In addition, the comments request that anyone appearing at the previously scheduled September 27 hearing date be encouraged to provide their comments to the Board at that time.

First, the County shares the view that public comments to the Board of Supervisors' are important to the Board's consideration of the Landmark Village project and associated environmental documentation. This is why the County provided public review opportunities for both the Landmark Village Draft EIR (November 2006) and the Recirculated Draft EIR (January 2010). (For further information, please see the Landmark Village Revised Final EIR, Volume I, **Updated Topical Response 3: Additional Public Review Opportunities.**)

Second, as part of the notice of the public hearing concerning the Landmark Village project, the County notified all interested persons that if they were unable to attend the public hearing, they could provide comments in favor or opposed to the project by submitting written comments to the Zoning Section, Executive Office of the Board of Supervisors, Room 383, Los Angeles, California 90012, or e-mail comments to the County at PublicHearing@bos.lacounty.gov. If any additional information concerning the project was needed, the County's notice also identified the appropriate County contact person.

Further, the County's notice specified that selected project materials were available for review on the County's Department of Regional Planning website at <http://planning.lacounty.gov>.

Third, in response to comments, the County allowed the two people that attended the September 27 hearing to provide their comments/testimony to the Board of Supervisors concerning the Landmark Village project.

Fourth, the County Board of Supervisors continued the September 27, 2011 public hearing to October 4 due to a busy calendar, and in order to provide all interested persons with additional time to consider and comment on the Landmark Village project and associated environmental documentation, not to discourage public input. Further, the Board of Supervisors moved to continue the Landmark Village hearing on September 13, 2011, a full two weeks before the previously scheduled September 27 hearing date. The Board also directed the Executive Officer of the Board to notify the applicant and all interested parties of the intended continuance. Thereafter, the Executive Officer provided written notice of the rescheduled public hearing to the applicant and all interested parties. The actual notice of the rescheduled public hearing was effective, in that several organizations and individuals received the notice and had sufficient time to submit comment letters opposing the continuance. The Board has received each of the comment letters, and has sufficient time to consider them prior to final consideration of the Landmark Village project and associated environmental documentation.

Finally, the County notes that the recent letters regarding the Landmark Village project are generalized comments that present environmental impact issues that have been considered and thoroughly debated ever since the Board of Supervisors took final action to approve the overall Newhall Ranch Specific Plan project in 1999 and 2003. The Landmark Village project implements a portion of the previously approved Newhall Ranch Specific Plan. The proposed project has been found to be consistent with the Specific Plan.

Response to General Comments Concerning Environmental Impacts

Several comment letters refer to the project's potential impacts on the Santa Clara River, and traffic and air quality impacts. Other comments claim that the water for the Landmark Village project is not adequate and that public funds should not be used to support the infrastructure for the project. Comments assert that project approval would result in a reduction in quality of life for the residents of Los Angeles County.

First, the general comments concerning environmental impacts do not criticize the adequacy of the content of the Landmark Village Final EIR. As noted, none of the general comments cite or refer to any part of the Landmark Village EIR, nor do they question the legal adequacy of any specific EIR section.

Second, the general environmental impacts were comprehensively addressed in the Landmark Village EIR. Please see, specifically, the Landmark Village EIR, **Section 4.2, Hydrology; Section 4.4, Biota; Section 4.5, Floodplain Modifications; Section 4.7, Traffic/Access; and Section 4.9, Air Quality; Section 4.10, Water Service**. Because the comments do not point to any specific "inadequacy" in the environmental analysis of the Landmark Village project, no further response can be provided or is required.

Response to Comments Concerning Nickel Water

The comment from TriCounty Watchdogs expresses general concern over the transfer of water from Kern River as part of the “Nickel” water supply source (1,607 acre-feet per year [afy]) for the Newhall Ranch Specific Plan. The specific concern is over the term of the contract for the Nickel water supply source.

First, the Nickel water supply source was extensively addressed and thoroughly debated as part of the Board of Supervisors’ decision to both certify the 1999 and 2003 Newhall Ranch Specific Plan environmental documentation, and approve the Newhall Ranch Specific Plan. The time to challenge the sufficiency of the prior environmental analysis undertaken for the Nickel water supply source has expired.

Second, as part of the 2003 Newhall Ranch Specific Plan environmental documentation, concerns were raised about the term of the Nickel water contract. In May 2003, the Board of Supervisors required that Specific Plan Mitigation Measure SP-4.11-20 be revised to address this concern. Taken from the Newhall Ranch Revised Additional Analysis, Volume VIII (May 2003), Section 2.5, Water Resources, p. 2.5-246-247, Mitigation Measure SP-4.11-20, as revised, provides as follows:

“SP-4.11-20 The Specific Plan applicant, or its successors, shall assign its acquired Nickel Water rights to the Valencia Water Company or Castaic Lake Water Agency (CLWA), and, in consultation with the Valencia Water Company, CLWA or their designee(s), the applicant shall ensure that the Nickel Water is delivered to the appropriate place of use necessary to serve the Newhall Ranch Specific Plan at the time of need, as determined by the County of Los Angeles through required SB221 and/or SB610 analyses for future subdivision map applications. Upon approval of the Specific Plan, the applicant, Valencia Water Company, CLWA or a designee, will take delivery of the Nickel Water, so that such water will be used, or stored for use, for the Specific Plan in future years.

To ensure that an adequate supply of water is available for the Specific Plan over the long-term, the decision of whether or not the Nickel Water agreement should be extended or otherwise canceled cannot occur without first obtaining CLWA's concurrence. If the applicant, or its designee, seeks to not extend the Nickel Water agreement beyond its initial 35-year term, or seeks to cancel said agreement prior to the expiration of its initial 35-year period, or the expiration of the 35-year option period, if exercised, then the applicant, or its designee, must obtain CLWA's written concurrence and that concurrence must include findings to the effect that other equivalent water supplies are available at a comparable cost and that non-extension or cancellation of the agreement will not impact the water supplies of Newhall Ranch and the rest of the Santa Clarita Valley.” (Id.)¹

¹ The above underlined text reflects the revisions that were made to the mitigation measure at the direction of the Board of Supervisors in May 2003.

The above mitigation measure requires that the applicant assign its acquired Nickel water rights to either the Valencia Water Company or the Castaic Lake Water Agency (CLWA) to ensure that the Nickel water is delivered to the appropriate place to use as necessary to serve the Newhall Ranch Specific Plan and that Valencia Water Company or CLWA will take delivery of the Nickel water, so that such water will be used, or stored for use, for the Specific Plan in future years as needed.

To ensure availability over the long-term, specific provisions were added to the above mitigation measure concerning future decisions of whether or not to extend or cancel the Nickel water contract. The Board of Supervisors imposed a "CLWA concurrence" requirement to address two eventualities: (i) the non-extension of the Nickel water contract beyond its initial 35-year term; and (ii) the cancellation of such contract. As to the CLWA concurrence, the Board of Supervisors imposed a requirement that such concurrence include findings to the effect that other equivalent water supplies are available at a comparable cost and that non-extension or cancellation of such contract will not impact the water supplies of Newhall Ranch and the rest of the Santa Clarita Valley. The adequacy of this 2003 mitigation measure was never challenged, and the time to challenge the measure has expired.

In addition, the above mitigation measure was reiterated in the Landmark Village Recirculated Draft EIR, Volume II (January 2010), Section 4.10, Water Service, page 4.10-146-147:

"SP 4.11-20 The Specific Plan applicant, or its successors, shall assign its acquired Nickel Water rights to the Valencia Water Company or CLWA, and, in consultation with the Valencia Water Company, CLWA or their designee(s), the applicant shall ensure that the Nickel Water is delivered to the appropriate place of use necessary to serve the Newhall Ranch Specific Plan at the time of need, as determined by the County of Los Angeles through required SB221 and/or SB610 analyses for future subdivision map applications. Upon approval of the Specific Plan, the applicant, Valencia Water Company, CLWA or a designee, will take delivery of the Nickel Water, so that such water will be used, or stored for use, for the Specific Plan in future years.

To ensure that an adequate supply of water is available for the Specific Plan over the long-term, the decision of whether or not the Nickel Water agreement should be extended or otherwise canceled cannot occur without first obtaining CLWA's concurrence. If the applicant, or its designee, seeks to not extend the Nickel Water agreement beyond its initial 35-year term, or seeks to cancel said agreement prior to the expiration of its initial 35-year period, or the expiration of the 35-year option period, if exercised, then the applicant, or its designee, must obtain CLWA's written concurrence and that concurrence must include findings to the effect that other equivalent water supplies are available at a comparable cost and that non-extension or cancellation of the agreement will not impact the water supplies of Newhall Ranch and the rest of the Santa Clarita Valley. *(This measure is not applicable to the Landmark Village project, because Newhall's Nickel Water rights are not needed at this time to satisfy the water demand of the project or cumulative*

development in the Santa Clarita Valley. However, as stated above, the applicant has stored Nickel Water in the Semitropic Groundwater Bank, and will continue to do so in future years.)” (Id.)

As part of the Landmark Village Recirculated Draft EIR, the County made clear that Mitigation Measure SP-4.11-20 is *not* applicable to the Landmark Village project, because Newhall’s acquired Nickel water rights are not needed at this time to satisfy the water demand of the Landmark Village project or the cumulative development in the Santa Clarita Valley. The County also appropriately pointed out that the applicant has been storing the Nickel water in the Semitropic Groundwater Bank since the Board of Supervisors approved the Newhall Ranch Specific Plan. Currently, the applicant has stored 23,167 acre-feet of Nickel water in the Semitropic Groundwater Bank as of December 31, 2010. This storage, which is in place today and continuing, also ensures that the Nickel water will be available as needed over the long-term.

It also should be pointed out that not only is the Nickel water not needed to serve the Landmark Village project, it is not contemplated to be needed to serve the Newhall Ranch Specific Plan until the Newhall agricultural water to be used as a potable water source for the Specific Plan (*i.e.*, 7,038 afy) would be completely committed to the Specific Plan. According to the Newhall Ranch Revised Additional Analysis, Volume VIII (May 2003), Section 2.5, Water Resources, page 2.5-140-142, the Nickel water would not be needed until the 21st build-out year.² In the meantime, the applicant is required to continue to store Nickel water in the Semitropic Groundwater Bank, which, again, ensures long-term availability of the Nickel water supply sources as needed for the Specific Plan.

Finally, the Landmark Village Revised Final EIR (September 2011) includes **Topical Response 11: Nickel Water**, which provides information concerning the Nickel water supply source. Please refer to **Topical Response 11** for further responsive information.

² The Newhall Ranch Revised Additional Analysis (SCH No. 1995011015; May 2003) was incorporated by reference in the Landmark Village Recirculated Draft EIR (January 2010), and is available for public review and inspection upon request to the County’s Department of Regional Planning.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

**BOS-3 Letter to Board of Supervisors from Ventura County Agricultural Water Quality
Coalition, dated September 23, 2011**

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

September 23, 2011

Mr. Michael D. Antonovich
Supervisor, Fifth District
Los Angeles County Board of Supervisors
500 W. Temple St..
Los Angeles, CA 90012

Re: Re-Circulated DEIR for Landmark Village 1st phase of the Newhall Ranch Project on the Santa Clara River **Project No. 00-196 / Tract Map No. 53108**, 1444 units, over 1 million square feet of commercial – Issues relating to Chloride

Honorable Supervisor Antonovich:

The Newhall Ranch 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 100mg/L.

The permit, granted in 2007, in fact required the 100mg/L chloride objective to be met, with the intention that this 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 could 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 these documents refer to the construction of a sanitation plant that will meet the chloride objective of 100mg/L.

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
Pacífico Berry Farms
Mugu Ranch Partnership
Conroy Farms
Mandalay Berry Farms
Pac-Man General Partnership
Montalvo Farms
Festival Farms
Gull Island Farms
Dullam Nursery

Newhall now proposes in this first tract map application for Landmark 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 objective for the Santa Clara River by 2015.

While our agricultural coalition does 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. The Sanitation District merely proposes that recent rains have somehow permanently reduced salt levels in the water for these projects. Such information is not supported by the facts disclosed in the EIR.

Nor does the EIR seek to mitigate the amount of chlorides in the sanitation district releases that will be produced by the Landmark project and the subsequent Mission Village project that taken together total 6000 units.

Further, it also appears that Newhall planned, but failed to disclose, this waste treatment scenario since the inception of the Newhall Ranch Specific Plan. At the January 18th 2011 Board of Supervisors hearing (agenda item 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 staff report. The failure to disclose this contract during the evaluation of the Specific Plan, and thus address its effect on the chloride issue may constitute an attempt to hide information needed by your Board for informed decision making on this subject.

Newhall, working with the Sanitation Districts, claims that there would be no effect from its 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 tracts¹. Such levels would likely not meet the current TMDL for chlorides when household salt loads are added.

Although the Sanitation Districts have been aware of this problem since 1979, they have been slow to address the issue, while the use of imported water and rising salt levels continued in the ensuing decades.

As your Board is undoubtedly aware, the Valencia and Saugus Sewage Treatment plants are already out of compliance with the TMDL for chlorides in the Santa Clara River. After failing to abide by even the compromise agreement worked out in 2008², the Regional Water Quality Boards issued Notices of Violation (attached) to the Sanitation Districts in May of this year.

¹ Mission Village DIER, 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 Alternative Resource Management Plan, approved by RWQCB Resolution No. R4-2008-012. Dec. 2008. Parameters and timetable were outlined in Attachment B to this resolution and attached are attached to our letter

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 crop production.

The Newhall Ranch Specific Plan clearly stated that Newhall was to pay for infrastructure expansion.³ 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 Board would have undoubtedly required mitigation to address this issue.

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

We request 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 its share of the cost of providing facilities at the Valencia Treatment plant to treat its effluent flow to meet the chloride objective of 100mg/L as it would have had to do for the Newhall Ranch Sanitation permit.

Respectfully submitted,



Robert P. Roy, Chairman

RPR/le

Attachments:

Notice of Violation Saugus Treatment Plant

Notice of Violation Valencia Treatment Plant

Permit Requirements for Chloride TMDL Revision

Cc: Executive Office, Los Angeles County Board of Supervisors, for the Administrative Record

Supervisor Kathy Long, Ventura County

Supervisor Zev Yaroslavsky

Supervisor Don Knabe

Supervisor Gloria Molina

Supervisor Mark Ridley-Thomas

Sam Dea, Planner, Special Projects, Los Angeles County

Debra Smith, Regional Water Quality Control Board

Mike Solomon, General Manager, United Water Conservation District

John Krist, CEO, Farm Bureau of Ventura County

³ SP Condition 4.11-8

BOS-3 Letter to Board of Supervisors from Ventura County Agricultural Water Quality Coalition, dated September 23, 2011

Response to Comments regarding Interim Use of Valencia Water Reclamation Plant

The Ventura County Agricultural Water Quality Coalition's (Coalition) comment letter, page 1, first two paragraphs, refers to the Los Angeles County Board of Supervisors' certification of the Newhall Ranch environmental documentation on May 27, 2003, and the Newhall Ranch Water Reclamation Plant (WRP) to be built to serve the Specific Plan. The comment also refers to the "permit, granted in 2007." The comment claims that the temporary discharge of Newhall Ranch wastewater to the existing Valencia WRP from the first 6,000 homes in Newhall Ranch's Mission Village and Landmark Village would "elevate the chloride load rather than reducing it." Note that Topical Responses from the Revised Final EIR referenced in this response are presented in a separate section entitled "Referenced Topical Responses from the Landmark Village Revised Final EIR, September 2011."

In response, first, the Coalition's reference to the "permit granted in 2007" likely is referring to the Newhall Ranch WRP NPDES Permit No. CA0064556, which established effluent limitations and discharge specifications for the Newhall Ranch WRP, and the chloride effluent limitation in that permit is 100 mg/L. (Please also refer to the Landmark Village Final EIR (September 2011), Volume I, **New Topical Response 13: Chloride** for additional responsive information.)

Second, the County does not concur with the Coalition's statement that the applicant's interim use of the existing Valencia WRP to treat Newhall Ranch wastewater from the first 6,000 homes in Newhall Ranch's Landmark Village and Mission Village would "elevate" the chloride load into the Santa Clara River. As to this statement, the Coalition, which includes public agencies as members, has not provided specific documentation to support the comment as required by CEQA (see Cal. Code Regs. tit. 14, §21153, subd. (c)). In addition, the Coalition's statement is not consistent with the information presented in the Sanitation Districts of Los Angeles County's technical memorandum, dated March 8, 2011, which was included in the Landmark Village Final EIR (September 2011), **Appendix F4.3** (Districts' memorandum). The Districts' memorandum shows that discharge of Newhall Ranch wastewater to the Valencia WRP from the first 6,000 homes in Newhall Ranch's Mission Village and Landmark Village would be temporary until construction of the Newhall Ranch WRP. Temporary treatment of wastewater at the Valencia WRP also would not eliminate the need for the developer (Newhall Land) to construct the Newhall Ranch WRP; and prior to building more than 6,000 homes, Newhall Land must construct the new plant. The temporary use of the Valencia WRP addresses practical engineering considerations such as the need to build-up an adequate and steady flow of wastewater before start-up of the Newhall Ranch WRP. The chloride concentrations of the Newhall Ranch and the Santa Clarita Valley Sanitation District, or SCVSD, wastewater are expected to be similar; thus, temporary treatment of Newhall Ranch

wastewater at the Valencia WRP would not change the SCVSD's ability to comply with the chloride Total Maximum Daily Load (TMDL). As stated by the Districts in its March 8, 2011 memorandum:

“As noted in the Item 1 and 4 responses, temporary treatment of Landmark Village and Mission Village wastewater at the VWRP would not eliminate the need for the developer to construct the NRWRP and to finance the new sewerage system, nor would it impact compliance with the Chloride TMDL. As presented in the Item 2 response, the VWRP has available capacity for temporary treatment of Landmark Village and Mission Village wastewater. Thus, no negative impact to the SDVSD's sewerage system is expected, and this approach does not conflict with the Specific Plan's requirement for construction of the NRWRP.” (Landmark Village Final EIR, **Appendix F4.3** [Districts' memorandum, dated March 8, 2011, p. 5].)

In addition, based on the Districts' memorandum, the Districts have advised the County that the discharge of Newhall Ranch wastewater to the Valencia WRP would produce *similar* increases in chloride concentrations when compared to existing Santa Clarita Valley communities; therefore, there would be no negative impact to the SCVSD's sewerage system or its ability to comply with the chloride TMDL:

“When operating at flows equal to or below the permitted plant capacity, compliance with the Chloride TMDL will depend on the chloride concentration in the treatment plan effluent. This concentration results from two primary sources: chloride concentration of the local water supply, and increased chloride concentration due to use of the water by the community. Local groundwater is the planned potable water source for the Specific Plan's Landmark and Mission Villages, the two developments whose wastewater might be temporarily treated at the VWRP under the Interconnection Agreement. The groundwater chloride levels for those communities are similar to that of the groundwater used by existing Santa Clarita Valley communities. Thus, no difference in chloride concentration is expected due to the water supply.

Like Santa Clarita, Newhall Ranch will be a mixture of residential, commercial and industrial land uses. Use of automatic water softeners (AWS) was a significant chloride source for SCVSD wastewater prior to the 2008 ban on AWS. Per Specific Plan mitigation measure 5.0-52(b), the Newhall Ranch developer must request that [the Newhall Ranch Sanitation District (NRSD)] ban AWS in Newhall Ranch. Districts' staff will also recommend that NRSD enact an AWS ban similar to the ban in the SCVSD. Consequently, the two communities are expected to produce similar increases in chloride concentrations due to use and similar overall wastewater chloride concentrations. Since final compliance will be determined by concentration, the addition of Newhall Ranch wastewater to the VWRP would neither add to nor alleviate the SCVSD's financial burden to comply with the Chloride TMDL.” (See Landmark

Village Final EIR, **Appendix F4.3** [Districts' memorandum, dated March 8, 2011, p. 2].)

The Landmark Village Final EIR, **Section 4.3, Water Quality**, and the associated Water Quality Technical Report (2011), prepared by Geosyntec Consultants, also provide technical analyses and support for the Districts' determination. In addition, responsive information is provided in the Landmark Village Final EIR (September 2011), Volume I, **New Topical Response 12: Revised Project Design; New Topical Response 13: Chloride**; and **New Topical Response 14: Water Quality**. The County elects to rely on this body of evidence in lieu of the Coalition's statements.

Response to Comments regarding Claims that Interim Use of the Valencia WRP would Impede the Chloride TMDL Requirements

In the comment letter, page 1, last paragraph, and page 2, first paragraph, the Coalition states that several additional environmental documents have been completed for various permits needed for Newhall Ranch, including formation of the Newhall Ranch Sanitation District and the EIS/EIR for the Newhall Ranch Resource Management and Development Plan and the Spineflower Conservation Plan (RMDP/SCP), and that these documents refer to construction of the Newhall Ranch WRP that will meet the chloride TMDL. The comment states that the applicant (Newhall Land) now proposes to discharge Newhall Ranch wastewater (first 6,000 homes from Mission Village and Landmark Village) to the Valencia WRP "instead of meeting their requirement to build a new plant." The comment states that such a proposal would seem to "severely impede the RWQCB requirement to meet the chloride TMDL for the Santa Clara River by 2015."

In response, first, the referenced process leading to the County's formation of the new sanitation district (Newhall Ranch Sanitation District) disclosed the temporary use of the existing Valencia WRP in the Department of Public Works' staff report to the Board of Supervisors, dated December 1, 2005, pp. 3-4; and the same Department's staff report to the Board, dated January 18, 2011, p. 3, both of which are incorporated by reference and available for public review and inspection upon request to the County Department of Regional Planning.

Second, as stated above, temporary use of the Valencia WRP for treatment of the Mission Village and Landmark Village wastewater (up to 6,000 homes) does not eliminate the Specific Plan requirement for the developer (Newhall Land) to both construct the Newhall Ranch WRP and finance the new sewerage system for the Specific Plan area. For further information responsive to this comment, please refer to Landmark Village Final EIR (September 2011), Volume I, **New Topical Response 13: Chloride**, and the Districts' memorandum dated March 8, 2011 (see Landmark Village Final EIR (September 2011), **Appendix F4.3**).

Third, the Landmark Village Final EIR (September 2011) already addressed the broader issues of compliance with the chloride TMDL; please see **New Topical Response 13: Chloride**. The Landmark Village Final EIR, **New Topical Response 12: Revised Project Design**, also evaluated the interim use of the Valencia WRP, taking into account overall environmental and cost considerations. The topical response: (a) provided background information regarding the chloride TMDL governing the Upper Santa Clara River; (b) summarized the Santa Clarita Valley Sanitation District's WRP permitting and operations; (c) assessed Newhall Ranch's interim use of the existing Valencia WRP; (d) summarized existing chloride concentrations at the Valencia WRP; (e) addressed cost implications for the temporary discharges to the Valencia WRP; and (f) provided a summary of Santa Clarita Valley Sanitation District's response to the administrative Notices of Violation it received from the Regional Water Quality Control Board, Los Angeles Region. The topical response also evaluated the potential significant environmental impacts associated with the interim chloride reduction facilities that would further treat the wastewater from Landmark Village and Mission Village, if needed, until such time as the first phase of the Newhall Ranch WRP is constructed. Based on that information, the County has determined that the interim use of the Valencia WRP, as proposed, would not impede the Santa Clarita Valley Sanitation District's ability to meet the chloride TMDL requirements.

Responses to Comment regarding the Coalition's Position

In the comment letter, page 2, second paragraph, the Coalition states that the Coalition does not oppose "such a change" as long as the impact resulting from the referenced "change" is fully mitigated. Further, the Coalition states that the Landmark Village Final EIR "does not disclose or address the issue of the additional chloride load caused by its proposal," and states that the Santa Clarita Valley Sanitation District has not satisfactorily responded to the chloride issues presented.

First, the County is not proposing to "change" the ultimate treatment of wastewater from the Newhall Ranch Specific Plan. As stated above, the applicant (Newhall Land), in coordination with the Santa Clarita Valley Sanitation District, has proposed the temporary use of the Valencia WRP for treatment of Newhall Ranch wastewater (i.e., the first 6,000 homes in Landmark Village and Mission Village), and this temporary usage does not eliminate the Specific Plan requirement for Newhall Land to construct the Newhall Ranch WRP and finance the new sewerage system for the Specific Plan area. As stated, the temporary use of the Valencia WRP addresses practical engineering considerations, and is *not* a change that eliminates construction of the Newhall Ranch WRP. For further responsive information, please see the Landmark Village Final EIR (September 2011), **New Topical Response 13: Chloride**, and the Districts' memorandum dated March 8, 2011 (see Landmark Village Final EIR, **Appendix F4.3**).

In addition, the Landmark Village project's interim wastewater treatment and capacity were addressed in the Landmark Village Final EIR, **Section 4.11, Wastewater Disposal**. Beginning on page 4.11-9, the Final EIR states:

“The long-range plan is for the Newhall Ranch WRP to be constructed exclusively to serve uses within Newhall Ranch. The new WRP’s capacity would be 6.8 mgd, with a maximum flow of 13.8 mgd. In response to the approved Specific Plan, the Los Angeles County Local Area Formation Commission (LAFCO) ~~has~~ approved formation of the Newhall Ranch County Sanitation District, effective July 27, 2006.¹ Consequently, a new County sanitation district has been formed to facilitate future operation of the Newhall Ranch WRP.”

In the interim, two options are available to treat wastewater generated by the proposed project. One option as shown in **Figure 1.0-32, Landmark Village Wastewater/Sewer Plan**, is to construct an initial phase of the Newhall Ranch WRP to serve the project site, with WRP buildout occurring over time as demand for treatment increases. The second option is to temporarily treat project wastewater at the Valencia WRP until flows are sufficient to support operation of the Newhall Ranch WRP. Each of these two options is described below.”

(a) Treatment Option A

Project generated wastewater treatment has been calculated at 0.41 mgd. As noted above, At buildout, the treatment capacity of the Newhall Ranch WRP would be 6.8 mgd, with a maximum flow of 13.8 mgd. The WRP has been designed to serve the buildout of the Newhall Ranch Specific Plan area, of which Landmark Village is a part. Under this option, an initial phase of the Newhall Ranch WRP would be constructed to serve the Landmark Village subdivision with buildout of the WRP occurring over time as demand for treatment increases due to subsequent development of the Newhall Ranch Specific Plan. The first phase of the WRP would be sited to accommodate project generated waste. The WRP was conditioned by the Board of Supervisors to be designed and constructed to the standards of the County of Los Angeles Department of Public Works and CSDLAC; as a result, no significant operational impacts are expected.

(b) Treatment Option B

Under this option, an interim pump station would be constructed along the utility corridor to pump wastewater via pipeline to the existing Valencia WRP, located upstream of the project site along I-5. The pump station would be used until the first phase of the Newhall Ranch WRP is

¹ CSDLAC comment letter to Daniel Fierros, Department of Regional Planning, dated January 22, 2007.

constructed. ~~As a result of CSDLAC's SCVSD's future wastewater generation estimates, SCVSDCSDLAC has proposed a two-phased plan to incrementally expand the SCVSD treatment facilities, which include at the Saugus and Valencia WRPs, to meet anticipated future wastewater disposal needs to a total of 34.2 mgd.² This phased expansion plan, which would increase treatment capacity by approximately 15 mgd, has been approved.~~ The most recent phase was completed in May 2005 and expanded treatment capacity by approximately 9 mgd, or approximately 47 percent, to the current total treatment capacity of approximately 28.1 mgd. Based on populations projections published in the most recent Southern California Association of Governments (SCAG) 2004 Regional Transportation Plan, the Valencia WRP has adequate capacity through the year 2015. Another phase (Stage VI) expansion would increase capacity by 6 mgd, but will not be constructed until flow materializes.³ According to recent SCVSD flow projections, based on SCAG's 2008 Regional Transportation Plan, the previously approved Stage VI expansion at the Valencia WRP is not expected to be needed until approximately 2021 and the site build out capacity of 34.2 mgd is not expected to be reached until approximately 2033. Consequently, the planned short-term use of the Valencia WRP to treat 0.41 mgd of the project's wastewater is expected to have no impact on future expansion of the SCVSD facilities.

Additionally, numerous safeguards exist within the County's project approval process to ensure available treatment capacity, including that connection permits for new development are not issued if there is not sufficient capacity. Moreover, mitigation adopted by the County as part of its approval of the Specific Plan provides that prior to recordation of each subdivision permitting construction, the applicant is required to obtain a letter from the new County sanitation district stating that treatment capacity will be adequate for that subdivision (SP 4.12-4). As a result, no significant operational impacts would occur under this scenario."⁴ (Landmark Village Final EIR [September 2011], Volume II, **Section 4.11, Wastewater Disposal**, pp. 4.11-9-10; see also Final EIR, **Section 1.0, Project Description**, pp. 1.0-78-79.)

In addition, the Santa Clarita Valley Sanitation District has responded fully to chloride claims advanced concerning interim use of its Valencia WRP. Please see the Landmark Village Final EIR, **Appendix F4.3** (Districts' memorandum, dated March 8, 2011). For further responsive information, please refer to the

² County Sanitation Districts of Los Angeles County. *Final 2015 Santa Clarita Valley Joint Sewerage System Facilities EIR*, January 1998.

³ CSDLAC comment letter to Daniel Fierros, Department of Regional Planning, dated January 22, 2007.

⁴ The above double-underline and strike-out text reflects the changes that were made between the Draft and Final EIR, in response to comments.

Landmark Village Final EIR (September 2011), **New Topical Response 12: Revised Project Design**; and **New Topical Response 13: Chloride**.

Responses to Comments regarding the Mitigation of Chlorides

The Coalition states that the Landmark Village EIR does not “seek to mitigate the amount of chlorides in the sanitation district releases that will be produced by the Landmark project and the subsequent Mission Village project that taken together total 6,000 units.” The County does not concur with this statement.

The Landmark Village Final EIR (September 2011), **New Topical Response 12: Revised Project Design**, thoroughly addresses the various issues associated with interim use of the Valencia WRP. The Final EIR makes clear that the project applicant (Newhall) has identified interim chloride reduction treatment at the Valencia WRP, so that interim chloride reduction would be achieved and be equivalent to that of the Newhall Ranch WRP under that NPDES Permit (100 mg/L):

“In addition, and as explained in detail in this response, to confirm full and complete compliance with the chloride TMDL, Newhall has identified interim chloride reduction treatment at the Valencia WRP. This involves chloride treatment of the effluent amount originating from Newhall Ranch (up to 6,000 dwelling units) at the Valencia WRP during the operation period of the 2002 Interconnection Agreement. The result is that the project effluent discharged to the Santa Clara River through the permitted Valencia WRP outfall would result in discharge equivalent to 100 mg/L chloride (or other applicable standard), which is the chloride effluent treatment standard under the Newhall Ranch WRP NPDES permit (NPDES No. CA0064556, Order No. R4-2007-0046). This additional treatment process would remove chloride from the Newhall Ranch effluent at the Valencia WRP, so that the interim chloride reduction would be equivalent to that of the Newhall Ranch WRP under the Newhall Ranch WRP Permit (100 mg/L).” (Landmark Village Final EIR [September 2011], **New Topical Response 12: Revised Project Design**, pp. TR-12-24.)

Responses to Comments regarding Disclosure of Interim Wastewater Treatment

The Coalition states that the applicant (Newhall Land) has failed to disclose the interim wastewater “treatment scenario since the inception of the Specific Plan” and that the January 18, 2011 Board hearing (Agenda Item No. 25) was the first time the 2002 Interconnection Agreement was disclosed. In addition, the comment states that the failure to disclose the Interconnection Agreement “may constitute an attempt to hide information needed by your Board” for a final decision on the Landmark Village project. The County does not concur with these comments.

The formation of a new sanitation district was identified in the previously-certified Newhall Ranch Specific Plan environmental documentation as a mitigation measure, and the Interconnection Agreement was developed to establish a logical plan for the development and administration of the new sanitation district and its infrastructure. As explained below, the Interconnection Agreement was not “hidden” from view.

To the contrary, on January 9, 2002, at its regular meeting, the Districts' Board considered and approved entering into the Interconnection Agreement. In accordance with the Brown Act, the Districts gave notice and posted the Board agenda, which also was available online, prior to the January 9 meeting. The meeting was open to the public. The Districts' records show no one opposed the Districts' authorization of the Interconnection Agreement. If there was any objection to the Districts entering into the Interconnection Agreement at that time, the objection should have been lodged prior to or at the time of the meeting.

Further, the Interconnection Agreement was referenced in previous County staff reports supporting formation of the new Newhall Ranch Sanitation District (see, for example, Department of Public Works staff report to the Board of Supervisors, dated December 1, 2005, pp. 3-4; and the Department's staff report to the Board dated January 18, 2011, p. 3, both of which are incorporated by reference).

Based on the above, the Interconnection Agreement was evaluated publicly and no information was “hidden” from the public or the decision makers.

For further responsive information, please see the Landmark Village Final EIR (September 2011), **Section 1.0, Project Description**, pp. 1.0-78-79; **New Topical Response 12: Revised Project Design; New Topical Response 13: Chloride**; and see Landmark Village Final EIR, **Appendix F4.3** (Districts' memorandum dated March 8, 2011) and (Interconnection Agreement).

Responses to Comments regarding Chloride Levels and Chloride TMDL

The Coalition states that “Newhall, working with the Sanitation Districts, claims that there would be no effect from its use of the existing plant,” but that the Draft EIRs for both Landmark and Mission Villages indicate “high chloride levels in wells intended for use in these tracts” and that such levels “would not meet the current TMDL for chlorides when household salt loads are added.”

As to the statement that chloride levels in local groundwater wells intended for use in serving the Landmark and Mission Villages indicate “high chloride levels,” the Landmark Village Final EIR indicates that such a statement is not correct. Chloride concentration is the main parameter in assessing compliance with the chloride TMDL and results from two inputs: chloride concentration of the water supply and

increased chloride concentration due to the community. Local groundwater is the planned potable water source for the Specific Plan's Landmark and Mission Villages, the two developments whose wastewater is allowed to be temporarily treated at the Valencia WRP under the Interconnection Agreement. The quality of groundwater near the Landmark Village site is addressed in the Final EIR, **Section 4.10, Water Service**. As stated in the Final EIR, at page 4.10-64:

“(5) Groundwater Quality Near the Landmark Village Site

The quality of the groundwater available from the Alluvial aquifer near the Landmark Village project site has been tested. Results from laboratory testing conducted for Valencia Water Company wells expected to serve the Landmark Village project site or very near the Landmark Village site are provided in Recirculated Draft EIR **Appendix 4.10**. The tested well are approved by DPH and are located just northeast of the Landmark Village site in the Valencia Commerce Center. Laboratory testing conducted in July 2009 indicates that all constituents tested were at acceptable levels for drinking water under Title 22 (see Recirculated Draft EIR **Appendix 4.10** for 2009 laboratory test water well results). Revised Final EIR **Appendix F4.10** includes a summary of water quality compliance monitoring results for Valencia Commerce Center Well E-15 from 2006 to 2009. This information indicates that water in this well complies with all federal and state drinking water regulations. Tests conducted for perchlorate indicated non-detect. *The Santa Clarita Valley 2010~~09~~ Water Quality Report* also shows that water supplies provided by the Valencia Water Company, including water from the Commerce Center wells, meet Title 22 standards for drinking water.” (*Id.*)

The data also shows that the groundwater chloride levels from existing groundwater wells are well within the effluent limitation standards for chloride, and are similar to the groundwater chloride levels in the Santa Clarita Valley, as reported on page 3 of the “Santa Clarita Valley 2010 Water Quality Report,” which is incorporated by reference and available for public review and inspection upon request to the County’s Department of Regional Planning.

For further information responsive to this comment, please see Landmark Village Final EIR (September 2011), **New Topical Response 13: Chloride**. Los Angeles County appreciates your comments and they will be made available to the decision makers prior to a final decision on the proposed project.

**Responses to Comments regarding Santa Clarita Valley
Sanitation District Response to Chloride Issues**

The Coalition states that the Santa Clarita Valley Sanitation District has been aware of the chloride “problem since 1979,” but it has been “slow to address the issue, while use of imported water and rising salt levels continued in the ensuing decade.”

The County believes that the Santa Clarita Valley Sanitation District has been responsive to the subject of chloride. For responsive information, please refer to the Landmark Village Final EIR (September 2011), **New Topical Response 12: Revised Project Design**, pp. TR-12-13 - TR-12-24; and **New Topical Response 13: Chloride**, pp. TR-13-4 - TR-13-18.

Responses to Comments regarding Compliance with the Chloride TMDL

The Coalition states that the Santa Clarita Valley Sanitation District's Valencia and Saugus WRPs are "already out of compliance with the TMDL for chlorides in the Santa Clara River" and that it has failed to abide by the "Alternative Resource Management Plan" approved by the RWQCB; and therefore, the RWQCB has issued notices of violation.

In response, the County submits that the Santa Clarita Valley Sanitation District's regional efforts are well beyond the scope of a project-level EIR; nonetheless, the County understands that the Santa Clarita Valley Sanitation District is not currently "out of compliance" with the chloride TMDL.

As background, the RWQCB has developed and adopted an amended chloride TMDL. The chloride TMDL is part of the Basin Plan.

The RWQCB first adopted a TMDL for chloride in the Upper Santa Clara River in October 2002 (Resolution No. 2002-018). On May 6, 2004, the RWQCB amended the Upper Santa Clara River chloride TMDL to revise the interim wasteload allocations (WLAs) and implementation schedule (Resolution 04-004). The amended TMDL was approved by the State Water Resources Control Board (SWRCB), Office of Administrative Law, and the USEPA, and became effective on May 4, 2005. The chloride TMDL requires that chloride levels in WRP effluent not exceed 100 mg/L.

At the time the TMDL was adopted and approved, there were key scientific uncertainties regarding the sensitivity of crops to chloride and the complex interactions between surface water and groundwater in the Upper Santa Clara River watershed. The TMDL recognized the possibility of revised chloride water quality objectives (WQO) and included mandatory reconsiderations by the RWQCB to consider Site Specific Objectives (SSO). The TMDL required the County Sanitation Districts to implement special studies and actions to reduce chloride loadings from the Saugus and Valencia WRPs. The TMDL included the following special studies to be considered by the RWQCB:

- Literature Review and Evaluation (LRE) -- review agronomic literature to determine a chloride threshold for salt sensitive crops.
- Extended Study Alternatives (ESA) -- identify agricultural studies, including schedules and costs, to refine the chloride threshold.

- Endangered Species Protection (ESP) -- review available literature to determine chloride sensitivities of endangered species in the Upper Santa Clara River.
- Groundwater and Surface Water Interaction Study (GSWI) -- determine chloride transport and fate from surface waters to groundwater basins underlying the Upper Santa Clara River.
- Conceptual Compliance Measures -- identify potential chloride control measures and costs based on different hypothetical WQO and final WLA scenarios.
- Site Specific Objectives and Antidegradation Analysis -- consider a site-specific objective for chloride based on the results of the agricultural chloride threshold study and the GSWI.

The TMDL special studies were conducted in a facilitated process in which stakeholders participated in scoping and reviewing the studies. This process resulted in an alternative TMDL implementation plan that addresses chloride impairment of surface waters and degradation of groundwater. The alternative plan, the AWRM, was first set forth by the Upper Basin water purveyors and United Water Conservation District (UWCD), the management agency for groundwater resources in the Ventura County portions of the Upper Santa Clara River watershed. The AWRM program increases chloride WQOs in certain groundwater basins and reaches of the Upper Santa Clara River watershed, decreases the chloride objectives in the eastern Piru Basin, and results in an overall reduction in chloride loading as well as water supply benefits.⁵

The AWRM program, which is described in detail in the GSWI Task 2B-2 Report,⁶ consists of advanced treatment for a portion of the recycled water from the Valencia WRP; construction of a well field in the eastern Piru basin to pump out higher chloride groundwater; discharging the blended pumped groundwater and advanced treated recycled water to Reach 4A at the western end of the Piru basin at a chloride concentration not to exceed 95 mg/L; and conveyance of supplemental water and advanced treated recycled water to the Santa Clara River.

A GSWI model was developed to assess the linkage between chloride sources and instream water quality, and to quantify the assimilative capacity of Santa Clara River Reaches 4A, 4B, 5, and 6 and the groundwater basins underlying those reaches.⁷ GSWI was then used to predict the effects of WRP

⁵ Los Angeles Regional Water Quality Control Board (RWQCB), 2008. Upper Santa Clara River Chloride TMDL Reconsideration, Conditional Site Specific Objectives for Chloride, and Interim Wasteload Allocations for Sulfate and Total Dissolved Solids Staff Report. November 24, 2008. This report is incorporated by reference and available for public review upon request to the County.

⁶ Geomatrix, 2008. Draft Task 2b-2 Report – Assessment of Alternatives for Compliance Options Using the Groundwater/Surface Water Interaction Model Upper Santa Clara River Chloride TMDL Collaborative Process. This report is incorporated by reference and available for public review upon request to the County.

⁷ See footnote 5.

discharges on chloride loading to surface water and groundwater under a variety of future hydrology, land use, and water use assumptions, including future discharges from the Newhall Ranch Specific Plan projects, in order to determine appropriate WLAs and load allocations. The GSWI model was used to assess the ability of the AWRM to achieve compliance with proposed conditional SSOs under future water use scenarios within the Upper Santa Clara River watershed. The model was based on design capacities at Valencia WRP and Saugus WRP of 27.6 million gallons per day (mgd) and 6.5 mgd, for a total system design capacity of 34.1 mgd by year 2027.⁸ The model predicted that the AWRM could achieve proposed conditional SSOs for chloride under both drought and non-drought conditions.⁹

The Santa Clarita Valley Sanitation District is currently discharging wastewater from the Valencia WRP pursuant to Order No. R4-2009-0074 and NPDES Permit No. CA0054216.¹⁰ The Valencia WRP has a current design capacity of 21.6 mgd and serves an estimated population of 162,661.¹¹

The Valencia WRP is part of the Santa Clarita Valley Sanitation District's regional system that also includes the Saugus WRP. The regional system allows biosolids, solids, and excess influent flows from the Saugus WRP to be diverted to the Valencia WRP for treatment and disposal. The Valencia WRP currently receives wastewater from the City of Santa Clarita and unincorporated areas of Los Angeles County. The wastewater is a mixture of pretreated industrial and residential wastewater.

In order to comply with chloride TMDL, the Santa Clarita Valley Sanitation District will likely need to add facilities because existing treatment processes do not provide chloride removal. No decision has been made regarding how the Santa Clarita Valley Sanitation District will achieve compliance with the chloride TMDL; however, the long-term compliance schedule established in RWQCB's revised chloride TMDL Resolution No. R4-2008-12 (December 11, 2008) allows time for attaining compliance.¹²

Nonetheless, the Santa Clarita Valley Sanitation District Board of Directors recently committed to initiate efforts to complete a Wastewater Facilities Plan and EIR for facilities to comply with a final effluent

⁸ See footnote 5.

⁹ See footnote 6.

¹⁰ Los Angeles Regional Water Quality Control Board, 2009. Order No. R4-2009-0074 (NPDES No. CA0054216), Waste Discharge Requirements for the Santa Clarita Valley Sanitation District of Los Angeles County, Valencia Water Reclamation Plant Discharge to Santa Clara River. This report is incorporated by reference and available for public review upon request to the County.

¹¹ Los Angeles Regional Water Quality Control Board, 2009. Fact Sheet for Order No. R4-2009-0074 (NPDES No. CA0054216), Waste Discharge Requirements for the Santa Clarita Valley Sanitation District of Los Angeles County, Valencia Water Reclamation Plant Discharge to Santa Clara River. This report is incorporated by reference and available for public review upon request to the County.

¹² The WLA-based final effluent limit for chloride becomes operative 11 years after the effective date of the Upper Santa Clara River Chloride TMDL (5/4/2016).

chloride limit of 100 mg/L and begin design of the facilities. The District also has estimated that it will complete the Wastewater Facilities Plan and EIR by December 31, 2012.¹³

For further responsive information, please see the Landmark Village Final EIR (September 2011), **New Topical Response 13: Chloride**.

Responses to Comments regarding Efforts to Work with Water and Sanitation District

The Coalition states that efforts have been made to work with the water and sanitation districts in Los Angeles County, as well as other agencies in the Santa Clarita Valley, to address chloride in a reasonable and equitable manner. The County acknowledges those efforts and the comment will be made available to the decision makers prior to a final decision on the proposed project.

Responses to Comments regarding Payment of Infrastructure Expansion Costs

The Coalition states that the Newhall Ranch Specific Plan EIR requires that Newhall pay for “infrastructure expansion” and that chloride releases from the Valencia WRP were not addressed in the Specific Plan EIR because Newhall’s use of the Valencia WRP was never discussed and had it been discussed, there undoubtedly would have been mitigation.

As stated in the Districts’ memorandum (see Landmark Village Final EIR, **Appendix F4.3**), the temporary use of the Valencia WRP for treatment of Landmark Village and Mission Village wastewater does not eliminate the requirement for Newhall Land to both construct the Newhall Ranch WRP and finance the new sewerage system within the Specific Plan area. As stated above, the Interconnection Agreement provides the necessary land and infrastructure for the logical development and implementation of the Newhall Ranch WRP. The Interconnection Agreement was considered and approved by the District 26 and District 32 Boards at their January 9, 2002 meeting.

The Interconnection Agreement sets conditions under which the first 6,000 homes in Newhall Ranch may temporarily discharge wastewater to the Santa Clarita Valley Sanitation District’s Valencia WRP. The conditions include payment of the standard connection fee (fair share of the cost of the existing infrastructure) and transfer of title of the 22-acre Newhall Ranch WRP site to the Newhall Ranch Sanitation District. Newhall Ranch residents also would pay the Santa Clarita Valley Sanitation District an annual service charge to recover the full cost of treating their wastewater at the Valencia WRP. Temporary treatment of wastewater at the Valencia WRP would not eliminate the need for the developer

¹³ The Santa Clarita Valley Sanitation District Board of Directors Notice and Agenda of its Regular Meeting held on July 26, 2011, Item No. 4, reflects the Board’s authorization to prepare the Facilities Plan, EIR, and design of such facilities. This Notice/Agenda is incorporated by reference and available for public review and inspection upon request to the County’s Department of Regional Planning.

to finance and construct the Newhall Ranch WRP. Newhall, as the developer, must still construct the Newhall Ranch WRP. and the new sewerage system for the Specific Plan area.

The Interconnection Agreement specifies that Newhall must fund construction of the Newhall Ranch WRP, which is contemplated to be constructed in stages as the Specific Plan area is developed, and it sets conditions under which the first 6,000 homes in Newhall Ranch (i.e., the Landmark Village and Mission Village projects) may temporarily discharge wastewater to the Valencia WRP.

Temporarily treating wastewater from the first 6,000 Newhall Ranch homes at the Valencia WRP is a practical engineering decision based on the need to build up an adequate, steady flow of wastewater before starting up the Newhall Ranch WRP. The Interconnection Agreement does not impact the Santa Clarita Valley Sanitation District's ability to comply with the chloride TMDL. As discussed below, the Valencia WRP has available capacity for interim treatment of Landmark Village and Mission Village wastewater. The Santa Clarita Valley Sanitation District supports this interim action for these same reasons. (Please refer to the Districts' memorandum, dated March 8, 2011. The memorandum and attachments are found in **Appendix F4.3** of the Landmark Village Final EIR.)

Responses to Comments regarding Construction of the Newhall Ranch WRP

The Coalition asks that if temporary use of the Valencia WRP for treatment of Landmark Village and Mission Village wastewater is allowed, what "guarantee" is there that the applicant (Newhall Land) "will ever build" the Newhall Ranch WRP? As stated in the Districts' memorandum, and in the Interconnection Agreement, the applicant (Newhall Land) is still required to construct the Newhall Ranch WRP, and the temporary use of the Valencia WRP does not eliminate the requirement for Newhall Land to both construct the Newhall Ranch WRP and finance the new sewerage system with the Specific Plan area. For further responsive information, please see **New Topical Response 13: Chloride** and the Districts' memorandum (Landmark Village Final EIR, September 2011, **Appendix F4.3**).

Responses to Comments Regarding Construction of the Newhall Ranch WRP or Paying a Share of the Costs of Providing Facilities at the Valencia WRP to Treat the Effluent

The Coalition requests that before any further approval is granted, the applicant should be required to build the Newhall Ranch WRP "as promised in the Specific Plan;" or that it 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 WRP NPDES permit."

In response, as stated above, temporary use of the Valencia WRP for treatment of the first 6,000 units of Landmark Village and Mission Village wastewater does not eliminate the requirement for the developer (Newhall Land) to construct the Newhall Ranch WRP per the Specific Plan. Newhall Land must still

construct the Newhall Ranch WRP prior to building more than 6,000 homes within Newhall Ranch's Landmark Village and Mission Village. As stated in the Districts' memorandum, the temporary use of the Valencia WRP addresses practical engineering considerations, but does not eliminate the requirement for Newhall Ranch to construct the Newhall Ranch WRP and finance the new sewerage system for Newhall Ranch.

In addition, as stated above, the Landmark Village Final EIR makes clear that the project applicant (Newhall) has identified interim chloride reduction treatment at the Valencia WRP, so that interim chloride reduction would be achieved and be equivalent to that of the Newhall Ranch WRP under that NPDES Permit (100 mg/L):

“In addition, and as explained in detail in this response, to confirm full and complete compliance with the chloride TMDL, Newhall has identified interim chloride reduction treatment at the Valencia WRP. This involves chloride treatment of the effluent amount originating from Newhall Ranch (up to 6,000 dwelling units) at the Valencia WRP during the operation period of the 2002 Interconnection Agreement. The result is that the project effluent discharged to the Santa Clara River through the permitted Valencia WRP outfall would result in discharge equivalent to 100 mg/L chloride (or other applicable standard), which is the chloride effluent treatment standard under the Newhall Ranch WRP NPDES permit (NPDES No. CA0064556, Order No. R4-2007-0046). This additional treatment process would remove chloride from the Newhall Ranch effluent at the Valencia WRP, so that the interim chloride reduction would be equivalent to that of the Newhall Ranch WRP under the Newhall Ranch WRP Permit (100 mg/L).” (Landmark Village Final EIR [September 2011], **New Topical Response 12: Revised Project Design**, pp. TR-12-24.)

Therefore, the Coalition's request that the applicant pay its share of the cost of providing facilities at the Valencia WRP as needed to treat its effluent to meet the chloride objective of 100 mg/L has been met as part of the Interconnection Agreement.



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

BOS-4 Emails to Board of Supervisors from Various Individuals

From: Barbara Cogswell [<mailto:bcogswell@earthlink.net>]

Sent: Friday, September 23, 2011 9:47 AM

To: Cieplik, Michael; Englund, Nicole; Rosenfeld, Dan; Michael D. Antonovich; Saltsman, Ben; Moore, Julie; Gloria Molina; Yaroslavsky, Zev; Second District Board member; PublicHearing

Subject: Land Mark Hearing

Board of Supervisors, Los Angeles County,

This article appeared as shown below in Canyon Country's local newspaper. It conveys my opinion, and my hope to save the last of the wild rivers. Lynne Plambeck of SCOPE says it well.

Sincerely, Barbara Cogswell

22 Sep 2011

· The Signal

· Lynne PLAMBECK Lynne Plambeck is president of the Santa Clarita Organization for Planning and the Environment, and a Newhall County Water District board member.

The politics behind public involvement
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From page A3 As everyone probably knows, the first-phase tract map of the 21,000unit Newhall Ranch project is coming up for hearing in the next few weeks.

Landmark Village is a 1,440unit project with 1 million square feet of commercial space out on Highway 126 in one of the most sensitive areas of the Santa Clara River. If it is approved, travelers on this once-designated scenic highway will no longer see the river behind the multistory strip malls proposed to be built in the floodplain.

Because the Santa Clara River is the last free-flowing river in Los Angeles County — and because of this project's substantial increases to traffic, air pollution and other problems such as questions over water supply — many organizations have opposed it for quite some time.

This project will be built by Newhall Land and Development Co, the renamed Newhall Land, owned by Florida-based Lennar Corp, which only recently emerged from bankruptcy.

This is the same company that, as part of Landsource LLC, participated in borrowing \$1 billion from the California Public Employees Pension Fund. When Landsource declared bankruptcy in 2008, the pension fund lost its full \$1 billion.

California taxpayers lost too because public agencies had to make the pension fund whole again to make good on their commitments.

According to the 2003 Specific Plan approval, Newhall Ranch is supposed to pay its own way. After all, don't you and I and every small business in California have to pay our own way? But how will Lennar Corp finance the infrastructure? With Lennar's bonds downgraded a month ago to BB (essentially junk-bond status), will local residents have to pick up the tab for their out-ofstate hedge-fund investors?

If the recent transfer of sewage treatment to the Valencia plant, where the public will pay the tab for salt reduction to the river, plus the \$50 million transfer of the east valley bridge and thoroughfare funds and grant funds to the 126 Commerce Center interchange is any indication, then the answer is a loud and unfortunate, "Yes."

In an effort to give concerned citizens the opportunity to voice their opinion on these matters, news media and group newsletters did a good job of advertising the hearing date so that people could make plans to take the trek down to Los Angeles County to speak to the supervisors.

This is generally an all-day affair,

Drawing Conclusions — John Darkow involving a day off work and detailed transportation arrangements, babysitters, etc. It's not easy to arrange at the last minute.

So, the Sierra Club Angeles Chapter mailed the hearing date and time to its 60,000 members, the Santa Clarita Organization for Planning and the Environment mailed to some 2,000 to make sure everyone had advanced notice to attend. Legal notices were placed in newspapers, as required by law. Signs with the hearing information were posted on the property as required by county code.

All of this might produce quite a crowd of opposition for a supervisors hearing.

What to do? Just change the hearing date at the last minute. That should solve the problem.

And that is exactly what has happened. By a "subsequent agenda item" placed on the county agenda last week at the last "legal" minute, the hearing for Landmark Village was moved from the long-scheduled Sept. 27 date to one week later on Oct. 4.

Crafty. Don't want to hear all those opposition comments? Just move the hearing date.

This is not transparent government. Such actions defeat the purpose of the legally required 30 days public notice. And they defeat the public participation that is so important to our democratic process.

Newhall Ranch is a massive project with many undesirable impacts, both financially and to our quality of life. With some 9,000 units already approved but unbuilt in the Santa Clarita Valley, a down housing market and a high commercial vacancy rate, it certainly would do no harm to delay this hearing a month or two and provide the public with adequate notice.

SCOPE has joined with many other groups in asking the supervisors to properly renote this public hearing, including newspaper publication and the county required signage.

If you are concerned about this project and having the opportunity to speak your mind, you might want to do the same.

Contacts for letters:

publichearing@bos.lacounty.gov, seconddistrict@bos.lacounty.gov; zev@bos.lacounty.gov, molina@bos.lacounty.gov, jmoore@bos.lacounty.gov,

bsaltsman@bos.lacounty.gov, fifthdistrict@bos.lacounty.gov, drosenfeld@bos.lacounty.gov, nenglund@bos.lacounty.gov, mcieplik@bos.lacounty.gov

executive office is 213 620 0636

Antonovich 213 974 1010

Yaroslasky 213 625 7360

Knabe 213 626 6941

Molina 213 613 1739

Ridley-Thomas 213 680 3283

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From: pattisoul@aol.com

Sent: Saturday, September 24, 2011 12:53 AM

To: PublicHearing; SecondDistrict; Yaroslavsky, Zev; Gloria Molina; Moore, Julie; Saltsman, Ben; Michael D. Antonovich; Rosenfeld, Dan; Englund, Nicole; Cieplik, Michael

Subject: Newhall Ranch Landmark Village

Now that the public hearing date for the Landmark Village project in Newhall Ranch has been postponed, please set the new date in accordance with allowance for the proper 30 day notice to the public of the hearing. Please make all the proper notices to the public notifying the public of the new date.

Thank you,

Patti Skinner Sulpizio

Vote No on Landmark Village on Oct 4th

From: Randy Martin [drrandymartin@gmail.com]

Sent: Sunday, September 25, 2011 2:16 AM

To: publichearing@bos.lacounty.gov; seconddistrict@bos.lacounty.gov;
Yaroslavsky, Zev; Gloria Molina; Moore, Julie; Saltsman, Ben; Michael D.
Antonovich; drosenfeld@bos.lacounty.gov; engel@bos.lacounty.gov;
Cieplik, Michael

Cc: Second District; Cieplik, Michael

Subject: Vote No on Landmark Village on Oct 4th

Please vote against the Newhall Ranch project and Landmark Village on your agenda on Oct 4th.

This project has many undesirable impacts, both financial and to our quality of life in Santa Clarita.

Our water supply is at its limits right now.

Our roads are congested and the pollution level is very high in Santa Clarita.

Also its impact on the Santa Clara River are quite negative and significant.

Please deny permits and vote against the project.

Dr Randy Martin, OMD, LAc, PhD
Bridgeport, Santa Clarita, CA

Cieplik, Michael

From: Baker, Cheryl [Cheryl.Baker@avisbudget.com]

Sent: Wednesday, September 28, 2011 7:55 AM

To: PublicHearing

Cc: dean campbell

L.A. County Board of Supervisors Executive Office:

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Cheryl Baker
Concerned American
714 335-3442

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9/28/2011

Cieplik, Michael

From: Ralph Long [ralph@churchdevelopment.com]
Sent: Wednesday, September 28, 2011 7:11 AM
To: PublicHearing
Subject: Landmark Village proposal

To: L. A. County Board of Supervisors

From: Ralph Long, Glendora, CA

You will be soon be hearing arguments regarding Newhall Ranch's 1st phase Landmark Village Proposed Development.

Please do not approve this proposal.

Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.

There is more than enough development in our area already.

The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Ralph Long
726 East Colorado Ave. #28
Glendora, CA
704-995-7675

Cieplik, Michael

From: Andrew Olson [olson66@gmail.com]
Sent: Wednesday, September 28, 2011 6:50 AM
To: PublicHearing
Subject: LAndmark Village

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,
Andrew Olson

7602 Hampton Avenue
West Hollywood, CA 90046
(323) 410-1966
olson66@gmail.com

Cieplik, Michael

From: John C Champlin [jc1champ@earthlink.net]
Sent: Wednesday, September 28, 2011 2:18 AM
To: PublicHearing
Subject: Santa Clara River - Santa Clarita

Dear Sirs:

I oppose the approval of Landmark Village proposal.

Please protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Thank you for your attention.

John C Champlin

Cieplik, Michael

From: Natalie Hernandez [nhernan8@lion.lmu.edu]

Sent: Tuesday, September 27, 2011 10:12 PM

To: PublicHearing

Subject: Re: Fw: [ALERTS] Help Save the Santa Clara River, October 4th at 9:30am

My name is Natalie Hernandez. My e-mail is nhernan8@lion.lmu.edu. I am a undergraduate student at Loyola Marymount University and resident of the Los Angeles County. I am writing to you because I oppose the approval of Landmark Village proposal.

The Santa Clara River is L.A. County's last free-flowing river and home to numerous endangered and threatened species. Newhall Ranch will ultimately channelize or concrete in some 20 miles of river watershed and tributaries. This auto-oriented project will increase global warming. This is the kind of development that can no longer be approved if we hope to have any natural environment left in L.A.

Additionally, the proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Thank you for hearing my concern,

Natalie Hernandez

Loyola Marymount University 2013

Cieplik, Michael

From: Douglas Edwards [revdougedwards@att.net]

Sent: Tuesday, September 27, 2011 9:21 PM

To: PublicHearing

Subject: Re: Landmark Village



As a long time member of the Sierra Club and a resident of the metropolitan Los Angeles area I oppose the approval of the current Landmark Village proposal.

I urge the Board of Supervisors to protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project. The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whitaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Rev. Douglas Edwards
1702 1st Street
Duarte, CA 91010

9/28/2011

Cieplik, Michael

From: Yana [yana119@yahoo.com]
Sent: Tuesday, September 27, 2011 8:59 PM
To: PublicHearing
Subject: Landmark Village

I oppose the approval of Landmark Village proposal. At a time when we are trying to preserve and protect our water sources this is a foolhardy idea.

Yana Ungermann-Marshall
La Canada, Ca

9/28/2011

Cieplik, Michael

From: Suzanne [grmshq@socal.rr.com]
Sent: Tuesday, September 27, 2011 8:52 PM
To: PublicHearing
Subject: Landmark Village

1. As a 43 year resident of Canyon Country and one who thoroughly enjoys the recreational walks and wildlife viewing afforded by the Santa Clarita river, I oppose the approval of Landmark Village proposal. This is a poor plan. It will destroy a natural riverbed.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Boundaries must be at least 1 mile on both sides of the river bed. There must never be any concreting of this riverbed. Newhall land has a history of concreting riverbeds without any permit, even though they were forbidden to do that. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River. Newhall Land has a LONG history of ignoring any rules they do not like. Fines have never inhibited them from ignoring laws.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita. We in this community depend upon the water that is here now. There cannot be any judgments passed which take into account "future water acquisitions" which are probably never going to materialize.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been downgraded to BB rating. How will they pay for needed infrastructure? This is catastrophic...an extremely greedy plan in order to line the pockets of developers only.

Thank you for your consideration of these valid concerns.
Suzanne Hermann

Cieplik, Michael

From: Nick McNaughton [nickfmcn@yahoo.com]

Sent: Tuesday, September 27, 2011 8:38 PM

To: PublicHearing

Subject: Newhall Ranch - Santa Clara River

I oppose the current plan for development of Newhall Ranch in that it will ruin the Santa Clara River and create numerous other environmental problems.

There are ways that development can occur that enhance rather than wreck the environment. We should demand them from contractors.

Nick McNaughton

Cieplik, Michael

From: Arlynn Bottomley [acbottomley@sbcglobal.net]

Sent: Tuesday, September 27, 2011 8:05 PM

To: PublicHearing

Subject: Public hearing on the Landmark Village proposal

I oppose the approval of Landmark Village proposal.

Let's Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development.

The negatives certainly outweigh any shortsighted positives: floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water.

The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well.

Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Thank you,

Arlynn Bottomley

Cieplik, Michael

From: Nancy Clark [nanski@socal.rr.com]
Sent: Tuesday, September 27, 2011 7:51 PM
To: PublicHearing
Subject: Save the Santa Clara River

I oppose the approval of Landmark Village proposal and increased traffic congestion, air pollution and global warming

1. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
2. The project must meet chloride limits for the Santa Clara River
3. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
4. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
5. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

SAVE THE RIVER for future generations to enjoy.

Happy Trails.

Nancy

Reduce, Reuse, Recycle

Cieplik, Michael

From: Kinsey McLean [kinseymclean@gmail.com]
Sent: Tuesday, September 27, 2011 6:38 PM
To: PublicHearing
Subject: Santa Clara River and the Landmark Village

To whoever it may concern at the
L. A. County Board of Supervisors Executive Office
Re: Landmark Village

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development.
Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,
Kinsey McLean

Cieplik, Michael

From: Adrienne Altman [laconda@sbcglobal.net]
Sent: Tuesday, September 27, 2011 6:34 PM
To: PublicHearing
Subject: Santa Clara river/Newhall housing project

Dear People:

I have been a Pediatrician in the Santa Clarita valley for 27 years. I have seen the extensive development overrun chapparal and oak trees and create an atmosphere where air quality contributes to increasing allergies and asthma in both children and their parents. I am appalled that such a project is being allowed to obliterate precious remaining open space, agricultural land, and natural habitat, while simultaneously adding to air and water pollution in yet another valley which will bleed over into the Santa Clarita/San Fernando Valley corridor. And I might add that with water being scarce as it is, why permit further consumption. Worse yet, it comes as a complete surprise that confining the river in a concrete channel is even considered in this day and age. Sure, I would increase my business with these new families, but WHY and at WHAT COST.

These points make the position I support more clearly:

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,

Adrienne C. Altman MD

9/28/2011

Cieplik, Michael

From: M Jackson [antiem3@yahoo.com]
Sent: Tuesday, September 27, 2011 6:14 PM
To: PublicHearing
Subject: RE: THE RIVER
LEAVE THE RIVER ALONE!

Peace and Love and Remember to Breathe...M

Cieplik, Michael

From: brady rubin [bradyrbn@gmail.com]
Sent: Tuesday, September 27, 2011 6:10 PM
To: PublicHearing
Subject: Protect the Santa Clara river

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution from a munitions facility is spreading and has caused the closure of another ground water well. Water for the project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in the Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion exacerbates the region's poor air quality. This project will cause massive additional traffic and air pollution "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from Chapter 11 and has been down graded to BB rating. How will they pay for needed infrastructure?

C'mon!! You've heard all this before. Do the right thing for your community. Put people before profits. \

Thank you!

Sincerely,

Brady Rubin
2366 Lyric Ave.
Los Angeles, CA 90027
323-665-4227

Cieplik, Michael

From: Nicholas Williams [nicholas_william@hotmail.com]

Sent: Tuesday, September 27, 2011 4:44 PM

To: PublicHearing

Subject: Protect the Santa Clara River

To Whom It May Concern:

I oppose the approval of Landmark Village proposal. You must protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development.

Floodplain impacts must be evaluated before any approval of this project and the project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Stop this cancerous growth of unneeded housing!!

Nicholas M. Williams
44108 Fenhold Street
Lancaster, California 93535-4367

Cieplik, Michael

From: Casey Wollenberg [caseywollenberg@gmail.com]
Sent: Tuesday, September 27, 2011 4:33 PM
To: PublicHearing
Subject: Landmark Village

To Whom it May Concern:

This letter is to express my opposition to the approval of Landmark Village proposal in Newhall Ranch.

The Santa Clara River - L.A. County's last free-flowing river and home to many endangered species- must not be approved of this project.

Furthermore, the project must meet chloride limits for the Santa Clara River, and new modeling of the air from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water to the community of Santa Clarita.

It is clear that the proposed project would have permanent detrimental impacts on the quality of life for the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the an area already classified as "extremely hazardous" by US EPA.

Finally, approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from Chapter 11. How can they afford needed infrastructure? It is imperative that the cost of this project not be passed on to the taxpayers of L.A.

As representatives of the tax payers of Los Angeles County, we trust that you will keep in mind the best interests of the community.

Thank you in advance for your time and attention to this matter.
Sincerely,

Casey Wollenberg, RN
2749 Lake Wood Ave.
Los Angeles, CA 90039

Cieplik, Michael

From: Ronald N [ronald_naka@yahoo.com]
Sent: Tuesday, September 27, 2011 4:09 PM
To: PublicHearing
Cc: Don Knabe
Subject: Help Save the Santa Clara River, October 4th at 9:30am

Hi,

I oppose the approval of Landmark Village proposal.

Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,

Ronald Naka

 Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture.

Only a life lived for others is worth
living.

The richest man is the one who needs nothing.

9/28/2011

Cieplik, Michael

From: Katie Wagner [katalinski@yahoo.com]
Sent: Tuesday, September 27, 2011 3:42 PM
To: PublicHearing
Subject: Oppose Landmark Village proposal

I oppose the approval of Landmark Village proposal. We must protect the Santa Clara River because it is L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.

Plus, the project must meet chloride limits for the Santa Clara River. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,
Katherine Wagner

Cieplik, Michael

From: David J Erikson Jr [derikson@cox.net]
Sent: Tuesday, September 27, 2011 3:16 PM
To: PublicHearing
Subject: Re: Lennar/Newhall Landmark Village proposal

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

David Erikson
Laguna Niguel CA 92677

Cieplik, Michael

From: nena kelty [nkelly@charter.net]
Sent: Tuesday, September 27, 2011 3:11 PM
To: PublicHearing
Subject: Landmark Village Proposal

Dear Sirs,

I am writing to oppose the approval of Landmark Village

PLEASE protect L.A.'s last free-flowing river and the endangered species that would be affected. I understood that the public's wishes were to help rivers return to their more natural conditions, not continue to line more with cement. This move would affect not only the local areas but will contribute to global warming.

I question whether this project is fiscally sound. With Lennar/Newhall having recently emerged from bankruptcy, shouldn't we use extra caution before taking on such a huge project? This is no time to assume unnecessary risks. Does this company have the money to pay for all needed infrastructure?

As a resident of L.A. County, I'm concerned that the size of this proposed development, will have an irreversable and undesirable impact on our environment.

Sincerely,

Violet Kelty

Cieplik, Michael

From: MaryJane Mitchell [mitchelldesigns@ymail.com]

Sent: Tuesday, September 27, 2011 2:57 PM

To: PublicHearing

Subject: I oppose Newhall Ranch's 1st phase Landmark Village Development

The Santa Clara River is L.A. County's last free-flowing river and home to numerous endangered and threatened species.

I oppose greatly the Newhall Ranch's 1st phase Landmark Village Proposed Development in the most sensitive part of the Santa Clara River.

Please do not allow this disturbing proposed development to take place. It will contribute to global warming and will greatly disturb the balance of this area.

thank you for listerning

MaryJane Mitchell

MaryJane Designs

818 3065542

web.me.com/maryjanedesigns

Cieplik, Michael

From: Beatriz Ferguson [tomferg@ucla.edu]
Sent: Tuesday, September 27, 2011 2:55 PM
To: PublicHearing
Subject: Landmark Village proposal.

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Cieplik, Michael

From: Jonas Wickham [jonaswickham@gmail.com]

Sent: Tuesday, September 27, 2011 2:12 PM

To: PublicHearing

Subject: Landmark Village proposal

Board of Supervisors,

I oppose the approval of Landmark Village proposal.

please protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development.

Floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well.

Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County.

The Santa Clarita Valley already experiences some of the worst air quality in the nation.

The additional traffic congestion created by this project will exacerbate the region's poor air quality.

This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Thank you,

Jonas Wickham
8501 Ridpath Drive
Los Angeles CA 90046

Cieplik, Michael

From: Sarah J.Hall [earthsmile@earthlink.net]

Sent: Tuesday, September 27, 2011 2:00 PM

To: PublicHearing

Subject: Santa Clara River Protection

I oppose the approval of Landmark Village proposal and submit the following points for your consideration:

The Santa Clara River - L.A. County's last free-flowing river and home to many endangered species - must be protected from the grave dangers attached to this development. The first such protection is to evaluate floodplain impacts before any approval of this project.

The project must also meet chloride limits for the Santa Clara River.

Further, new modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

Please note that the proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County, and the Santa Clarita Valley already experiences some of the worst air quality in the nation. In addition, the additional traffic congestion created by this project will exacerbate the region's poor air quality and cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Finally, approval of this project is fiscally irresponsible. The developer, Lennar/Newhall, recently emerged from bankruptcy, and its stock has been down graded to BB rating. How will they pay for needed infrastructure?

Submitted by:
Sarajane Hall
510 S. Lake St., Apt. 215
Burbank, CA 91502

9/28/2011

Cieplik, Michael

From: Olga Joseau [joseau@yahoo.com]
Sent: Tuesday, September 27, 2011 1:57 PM
To: PublicHearing
Subject: Santa Clara River

L. A. County Board of Supervisors Executive Office
Re: Landmark Village
500 W. Temple St.
Los Angeles CA 90012

Email: publichearing@bos.lacounty.gov

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Thank you,

Olga Joseau
23767 Cottonwood Ct.
Valencia, CA

9/28/2011

Cieplik, Michael

From: Jena Plourde [jenapourde@gmail.com]

Sent: Tuesday, September 27, 2011 1:55 PM

To: PublicHearing

Subject: Landmark Village proposal

Dear Board of Supervisors,

I strongly oppose the approval of Landmark Village proposal. Does fiscal gain simple trump the good of people and the environment? *At some point, someone has to say "this is enough for this region" and stop building.*

Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

--

Jena Plourde
Resident of Sun Valley
C. 818-693-3330

Cieplik, Michael

From: Bruno Smid [brunosmi@yahoo.com]

Sent: Tuesday, September 27, 2011 1:47 PM

To: PublicHearing

Subject: Proposed development at Nwehall Randh/Santa Clara River

To the members of the Board:

As a member of Sierra Club, having heard all the valid arguments AGAINST development and construction along the Santa Clara River, I urge the members to oppose any project endangering the natural flow of the river - specifically the proposed project along Newhall Ranch Road involving proposed channeling of the riverbed and encroaching on the plants and wildlife of the river basin.

I have no scientific objections - only the practical lessons learned from past experiences with construction projects and their impact on natural river beds such as channeling, constricting and confining a river's flow to a straight run.

Let's keep California healthy and natural by environmentally sound governance....Thank you

Bruno F Smid, 15927 Austin Court, Canyon Country, CA 91387

Cieplik, Michael

From: Fabris, Neda S. [nfabris@exchange.calstatela.edu]

Sent: Tuesday, September 27, 2011 1:45 PM

To: PublicHearing

Subject: Santa Clara river

L. A. County Board of Supervisors Executive Office

Re: Landmark Village

500 W. Temple St.

Los Angeles CA 90012

Fax (213)620-0636

Email: publichearing@bos.lacounty.gov

Tell Them:

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Neda Fabris, Ph.D.

Professor

Department of Mechanical Engineering

California State University,

Los Angeles, Ca.90032-8153

phone: (323) 343-5218

FAX (323) 343-5004

nfabris@calstatela.edu

9/28/2011

Cieplik, Michael

From: Helen Manning-Brown [helenmb@verizon.net]
Sent: Tuesday, September 27, 2011 1:35 PM
To: PublicHearing
Subject: Oppose the approval of Landmark Village

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,
Helen Manning-Brown
3640 Walnut Avenue
Long Beach, CA 90807
helenmb@verizon.net

Cieplik, Michael

From: ~ Marina V ~ [marina@marinav.com]
Sent: Tuesday, September 27, 2011 1:31 PM
To: PublicHearing
Subject: Santa Clara River

Hi - please don't let new development destroy a big part of Santa Clara river!
Please don't let the 1st phase Landmark Village Proposed Development take place!

Thank you for your time and for reading this.
Sincerely,
Marina Baker

Cieplik, Michael

From: Genevieve Goetz [goetz.genevieve@gmail.com]
Sent: Tuesday, September 27, 2011 1:29 PM
To: PublicHearing
Subject: Please oppose the approval of Landmark Village Proposal

Good afternoon,
Please protect the river.

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The plume from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. Additional traffic congestion created by this project will exacerbate the region's poor air quality. This project causes massive additional traffic and air pollution in an area already classified as "extremely hazardous" by the EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been downgraded to BB rating. How will they pay for needed infrastructure?

Thank you,

Genevieve Goetz

Cieplik, Michael

From: Elizabeth Gulick [gulick_elizabeth@mptp.com]

Sent: Tuesday, September 27, 2011 1:29 PM

To: PublicHearing

Subject: Protect the Santa Clara River

Newhall Ranch will ultimately channelize or concrete in some 20 miles of river watershed and tributaries. This auto-oriented project will increase global warming.

I strongly oppose the approval of Landmark Village proposal.

Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

he proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure? Who did this bankruptcy injure? Have you considered that?

SAY NO TO THE LANDMARK VILLAGE PROPOSAL.

Cieplik, Michael

From: Got2Skydive@aol.com
Sent: Tuesday, September 27, 2011 1:18 PM
To: PublicHearing
Subject: Protect The Santa Clara River

I am emailing to oppose the approval of Landmark Village proposal.

Please protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Cieplik, Michael

From: Jinjer's Gmail [mjhundley@gmail.com]
Sent: Tuesday, September 27, 2011 1:16 PM
To: PublicHearing
Subject: I oppose the approval of Landmark Village proposal.

I oppose the approval of Landmark Village proposal.

We must Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Thank you.

Jinjer Hundley
Toluca Lake, CA

Cieplik, Michael

From: egclarsach@aol.com
Sent: Wednesday, September 28, 2011 8:40 PM
To: PublicHearing
Subject: Santa Clara River

I oppose the approval of Landmark Village proposal.

Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA. I am especially concerned for the health of my patients who live in this area, as many of them already have COPD.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,

Eve H Gordon, MD

Tarzana CA

9/29/2011

Cieplik, Michael

From: Jeanne Sarmiento [gaudete23@aol.com]

Sent: Wednesday, September 28, 2011 3:49 PM

To: PublicHearing

Subject: Save the Santa Clara River

TO: L. A. County Board of Supervisors Executive Office, 500 W. Temple St., Los Angeles CA 90012

RE: Landmark Village

To Whom it May Concern:

I oppose the approval of the Landmark Village proposal.

Please protect the Santa Clara River. It is L.A. County's last free-flowing river and home to many endangered species. It needs to be protected from this development. In addition, floodplain impacts must be evaluated before any approval of this project.

The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Thank you,

Jeanne Sarmiento

PO BOX 261032

Encino, CA 91426

9/29/2011

Cieplik, Michael

From: anngernert@aol.com
Sent: Wednesday, September 28, 2011 1:54 PM
To: PublicHearing
Subject: Oct 4 hearing
To Whom It May Concern, LA County:

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,

Ann Gernert

11510 Riverside Dr. Apt 3

Studio City CA 91602

9/29/2011

Cieplik, Michael

From: Joan Weaver [hoansw@yahoo.com]
Sent: Wednesday, September 28, 2011 12:54 PM
To: PublicHearing
Subject: Protect Santa Clara River - NO to LANDMARK VILLAGE!!

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Cieplik, Michael

From: MMPOaks@aol.com
Sent: Wednesday, September 28, 2011 12:43 PM
To: PublicHearing
Subject: marilyn in Tarzana

Please save the Santa Clara River from Developers

thank you

✘ Right-click here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture.



Cieplik, Michael

From: Francine Harvey [francine@usc.edu]
Sent: Wednesday, September 28, 2011 12:32 PM
To: PublicHearing
Subject: Santa Clara River

I oppose the approval of Landmark Village proposal.

Please protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
The project must meet chloride limits for the Santa Clara River.

New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.

The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.

Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Thank you for your attention to this matter, Francine Harvey

Cieplik, Michael

From: Robert deFerrante [rdeferrante@gmail.com]
Sent: Wednesday, September 28, 2011 10:42 AM
To: PublicHearing
Subject: Landmark Village

L. A. County Board of Supervisors Executive Office
Re: Landmark Village
500 W. Temple St.
Los Angeles CA 90012
Fax (213)620-0636
Email: publichearing@bos.lacounty.gov

Honorable L. A. County Board of Supervisors,

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Sincerely,

Robert deFerrante
941 Coral Way
La Canada, CA 91011

9/29/2011

Cieplik, Michael

From: Cat Wyatt [banditcat@gmail.com]
Sent: Wednesday, September 28, 2011 9:57 AM
To: PublicHearing
Subject: I oppose the approval of Landmark Village proposal.

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Cieplik, Michael

From: Barbara Schratwieser [bschratwieser@yahoo.com]

Sent: Wednesday, September 28, 2011 10:08 AM

To: PublicHearing

Subject: Landmark Village Proposal

Why does every square inch of land have to be developed? I concur with the Sierra Club's stance on this issue. To wit:

1. I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Thank you for your kind consideration of my feelings on this issue.

Sincerely,

Barbara Schratwieser
4251 Mary Ellen Ave. #10
Studio City, CA. 91604

Cieplik, Michael

From: SYDELL STOKES [sydell17@gmail.com]
Sent: Wednesday, September 28, 2011 9:42 AM
To: PublicHearing
Subject: RE: SANTA CLARA RIVER ;

Dear BOS:

I can't believe after all these years I am still hearing about Newhall Land and their plan to channelize the Santa Clara River.
Give us folks who care a BREAK and leave the damn river alone!

Thank you,

Sydell Stokes
25715 Hogan Dr
Valencia, CA 91355
sydell17@gmail.com
661 254-6750

Cieplik, Michael

From: Anne Lewis [aboydlewis@aol.com]

Sent: Wednesday, September 28, 2011 9:30 AM

To: PublicHearing

Subject: Landmark Village Proposal

1. As a resident of a neighboring area in LA County, I oppose the approval of Landmark Village proposal.
2. Protect the Santa Clara River - L.A. County's last free-flowing river and home to many endangered species from this development. Floodplain impacts must be evaluated before any approval of this project.
3. The project must meet chloride limits for the Santa Clara River.
4. New modeling of the ammonium perchlorate plume is needed to ensure safe drinking water. The pollution plume of from the Whittaker Bermite munitions facility is spreading and has caused the closure of another ground water well. Water slated for the Newhall Ranch project must be re-directed to ensure clean water to the community of Santa Clarita.
5. The proposed project would have permanent detrimental impacts on the quality of life for residents in Los Angeles County. The Santa Clarita Valley already experiences some of the worst air quality in the nation. The additional traffic congestion created by this project will exacerbate the region's poor air quality. This project will cause massive additional traffic and air pollution in an area already classified as "extremely hazardous" by US EPA.
6. Approval of this project is not fiscally responsible. The developer, Lennar/Newhall, recently emerged from bankruptcy. Their stock has been down graded to BB rating. How will they pay for needed infrastructure?

Anne B. Lewis
(818)362-0310
(818)429-3881 cell
aboydlewis@aol.com

9/29/2011

Cieplik, Michael

From: Medina, Katherine on behalf of ExecutiveOffice
Sent: Wednesday, September 28, 2011 4:49 PM
To: Cieplik, Michael
Subject: FW: Support for approval of Newhall Ranch

The following e-mail is being forwarded to you from the Executive Office's Public Response e-mail.

-----Original Message-----

From: jcalhoun@vanguardmanagement.com [mailto:jcalhoun@vanguardmanagement.com]
Sent: Wednesday, September 28, 2011 3:18 PM
To: ExecutiveOffice; Michael D. Antonovich
Subject: Support for approval of Newhall Ranch

Dear Board of Supervisors:

It is refreshing to hear that the development of Newhall Ranch is finally close to commencing. This project by Newhall Land is a long-awaited boon for the local Santa Clarita economy, especially with regard to the creation of both temporary and permanent jobs.

It is my understanding that the inaugural tract map, Landmark Village, is entirely consistent with the already-approved Newhall Ranch Specific Plan and has been reviewed, approved and re-reviewed at all levels of scrutiny over the past nearly 20 years. I sincerely urge the Board of Supervisors to issue its approval for Newhall Land to proceed with the development of Landmark Village.

Thank you in advance,

John C. Calhoun
SCV business owner and resident

Cieplik, Michael

From: Medina, Katherine on behalf of ExecutiveOffice
Sent: Wednesday, September 28, 2011 4:25 PM
To: Cieplik, Michael
Subject: FW: Newhall Ranch will create unprecedented environmental protection

The following e-mail is being forwarded to you from the Executive Office's Public Response e-mail.

-----Original Message-----

From: pamingram@pamingram.com [mailto:pamingram@pamingram.com]
Sent: Wednesday, September 28, 2011 3:54 PM
To: ExecutiveOffice; Michael D. Antonovich
Subject: Newhall Ranch will create unprecedented environmental protection

Newhall Land has worked closed with state and federal regulators to ensure unprecedented environmental protection as part of their plan.

Preserves more than 8500 acres of open space.

There has been close cooperation between Newhall Land and environmental regulators to ensure compliance with National Environmental Policy Act and the California Environmental Quality Act.

Cieplik, Michael

From: Medina, Katherine on behalf of ExecutiveOffice
Sent: Wednesday, September 28, 2011 4:25 PM
To: Cieplik, Michael
Subject: FW: Newhall Ranch Project

The following e-mail is being forwarded to you from the Executive Office's Public Response e-mail.

-----Original Message-----

From: modawg@thevine.net [mailto:modawg@thevine.net]
Sent: Wednesday, September 28, 2011 3:31 PM
To: ExecutiveOffice; Michael D. Antonovich
Subject: Newhall Ranch Project

Newhall Land is responsible for developing one of the most desirable areas in the U.S. to live and work, Valencia, CA.

In my more than 20 years living in this community, they have always shown themselves to be excellent partners and Corporate Citizens. They do what they say, and follow through on their promises.

Please help them to create the next Community Success story. One that the entire country will envy, that being Newhall Ranch.

Thank you for your support.

Randy Moberg

Cieplik, Michael

From: Medina, Katherine on behalf of ExecutiveOffice
Sent: Wednesday, September 28, 2011 4:25 PM
To: Cieplik, Michael
Subject: FW: Say YES to 60,000 permanent jobs and 100,000 construction jobs

The following e-mail is being forwarded to you from the Executive Office's Public Response e-mail.

-----Original Message-----

From: lois.bauccio@childfamilycenter.org [mailto:lois.bauccio@childfamilycenter.org]
Sent: Wednesday, September 28, 2011 3:28 PM
To: ExecutiveOffice; Michael D. Antonovich
Subject: Say YES to 60,000 permanent jobs and 100,000 construction jobs

We are so proud of Newhall Land for this ground breaking project which has taken incredible planning.

Landmark Village will create more than 3,700 permanent jobs and 6,000 construction jobs.

Landmark Village is only the first tract map within Newhall Ranch. The whole plan will create 60,000 permanent full-time jobs, along with 100,000 construction jobs, helping create a 3:1 jobs-to-housing ratio and establish the area as a dominant employment center.

At a time when unemployment in L.A. County is above 12%, we need to be doing everything we can to help create these jobs.

Thank you.

Cieplik, Michael

From: Medina, Katherine on behalf of ExecutiveOffice
Sent: Wednesday, September 28, 2011 4:22 PM
To: Cieplik, Michael
Subject: FW: Approval of Newhall Ranch

The following e-mail is being forwarded to you from the Executive Office's Public Response e-mail.

-----Original Message-----

From: realestatebyandy@cs.com [mailto:realestatebyandy@cs.com]
Sent: Wednesday, September 28, 2011 2:52 PM
To: ExecutiveOffice; Michael D. Antonovich
Subject: Approval of Newhall Ranch

Newhall Land has worked with state and federal regulators to ensure unprecedented environmental protection as part of this plan. This project needs to move forward for the economic benefits it will create.

Cieplik, Michael

From: Medina, Katherine on behalf of ExecutiveOffice
Sent: Wednesday, September 28, 2011 4:22 PM
To: Cieplik, Michael
Subject: FW: Newhall Ranch/Landmark VillageProject

The following e-mail is being forwarded to you from the Executive Office's Public Response e-mail for your review/information.

-----Original Message-----

From: bkoegle@pooleshaffery.com [mailto:bkoegle@pooleshaffery.com]
Sent: Wednesday, September 28, 2011 2:37 PM
To: ExecutiveOffice; Michael D. Antonovich
Subject: Newhall Ranch/Landmark VillageProject

As a nearly 30-year resident of the Santa Clarita Valley, I am pleased to lend my support to the latest master planned community from Newhall Land and Farming -- the Newhall Ranch Project/Landmark Village.

Over the years, NLF has demonstrated a sense of corporate responsibility and loyalty to this community that is unmatched.

At a time when unemployment is near an all time high in LA County, the new jobs created as a direct result of this project will be tremendously helpful to the local economy. Estimates indicate that 3700 permanent jobs, along with 6000 construction jobs will be created if and when the first stage of the project (Landmark Village) is approved.

I would urge you to support approval of the first tract map for the Landmark Village project, and do your part to help spur on our economy and the well-planned growth of the Santa Clarita Valley.

Thank you for your support.

Cieplik, Michael

From: Medina, Katherine on behalf of ExecutiveOffice
Sent: Wednesday, September 28, 2011 4:16 PM
To: Cieplik, Michael
Subject: FW: Newhall Ranch/Landmark Village take the County of Los Angeles in the right direction & be a valuable and much needed asset for North LAC.

The following e-mail is being forwarded to you from the Executive office's Public Response e-mail for your review/information.

-----Original Message-----

From: bwatson@pmprollc.com [mailto:bwatson@pmprollc.com]
Sent: Wednesday, September 28, 2011 2:16 PM
To: ExecutiveOffice; Michael D. Antonovich
Subject: Newhall Ranch/Landmark Village take the County of Los Angeles in the right direction & be a valuable and much needed asset for North LAC.

Newhall Ranch/Landmark Village is one of LA County's most exciting master plans ever designed, complete with renewable energy components and LEED silver certified construction. Additionally, with emphasis on high level energy efficiency exceeding California's energy efficiency standards by 15%, the planned project will serve as a nation-wide benchmark for future master plan communities. I proudly support Newhall Ranch/Landmark Village!

BOS-4 E-mails to Board of Supervisors from Various Individuals

Several e-mails were received by the Executive Office of the County Board of Supervisors from September 23, 2011 through September 28, 2011. The e-mails oppose approval of the Landmark Village project, and virtually all of the e-mails repeat the following general environmental issues: protect the Santa Clara River and address floodplain impacts; require the Landmark Village project to meet chloride limits; model/monitor ammonium perchlorate in the groundwater basin; address air quality and traffic issues; and deny the project due to the 2008 bankruptcy of the entity with the ownership interest in the Newhall Land and Farming Company, the project applicant for the Landmark Village project. In addition, several e-mails were received by the Executive Office that support approval of the Landmark Village project. Note that Topical Responses from the Revised Final EIR referenced in this response are presented in a separate section entitled "Referenced Topical Responses from the Landmark Village Revised Final EIR, September 2011." An alphabetical list is attached, which identifies those who submitted e-mails for and against the Landmark Village project.

Below are responses to the general comments raised in the opposition e-mails. Please note that the responses are necessarily general in nature, because the e-mails did not identify any specific claimed inadequacy of either the Landmark Village project or the related environmental documentation.

Response to Comments regarding the Santa Clara River and Floodplain Impacts

Most of the e-mails call for protection of the Santa Clara River and request that floodplain impacts be evaluated before any approval of the proposed project. None of the comments cite or refer to any part of the Landmark Village Recirculated Draft or Final EIRs or to any of the technical reports appended to the EIRs, nor do they question the legal adequacy of any EIR section or report.

The environmental impacts to the Santa Clara River, including the 100-year floodplain, were addressed comprehensively in the Landmark Village Final EIR.¹ Please see, specifically, the Landmark Village Final EIR, **Section 4.2, Hydrology; Section 4.4, Biota; and Section 4.5, Floodplain Modifications**. In summary, the EIR sections evaluate the Landmark Village project's impacts on the Santa Clara River and floodplain, and find that the project does not result in any significant unavoidable impacts to the river or floodplain. Instead, the EIR analyses show that while there are project impacts to the river and floodplain, those

¹ The Landmark Village Final EIR is comprised of: (a) Draft EIR (November 2006), Volumes I-IX, plus Map Box (which was subsequently replaced by the Recirculated Draft EIR); (b) Final EIR (November 2007), Volumes I-V; (c) Recirculated Draft EIR (January 2010), Volumes I-XI, plus Map Box, including the November 2007 Final EIR; and (d) Final EIR (September 2011) (collectively, "Final EIR"). The Landmark Village "Final EIR" also includes all letters submitted to the Board of Supervisors prior to the upcoming October 4, 2011 hearing, and the County's responses to those letters, including this response.

impacts either are not significant or have been avoided or substantially minimized due to the revised project design and associated mitigation measures.

In addition, the County has prepared detailed responses to other comments regarding impacts to the Santa Clara River and floodplain. The responses were provided in response to the letter to the Board of Supervisors from Friends of the Santa Clara River, dated September 12, 2011 (BOS-1). The responses confirm that the Landmark Village project, as revised, is protective of the Santa Clara River and floodplain. Because the comments do not point to any specific “inadequacy” in the environmental analysis of the Landmark Village project, no further response can be provided or is required.

Response to Comments regarding Chloride

Most of the e-mails state generally that the Landmark Village project “must meet chloride limits for the Santa Clara River.” None of the comments cite or refer to any part of the Landmark Village Recirculated Draft or Final EIRs or to any of the technical reports appended to the EIRs, nor do they question the legal adequacy of any specific EIR section or report.

Both the Landmark Village Recirculated Draft and Final EIRs thoroughly address chloride levels in the Santa Clara River and the applicable regulatory chloride effluent limits for discharges to the Santa Clara River. Please see, specifically, the Landmark Village Final EIR, **Section 4.3, Water Quality**, and the Water Quality Technical Report (2011) prepared by Geosyntec Consultants, which is found in **Appendix F4.3** of the Final EIR. In addition, the Landmark Village Final EIR (September 2011), Volume I, **New Topical Response 12: Revised Project Design**; and **New Topical Response 13: Chloride**, provide detailed responses to all chloride-related comments (attached).

For further information addressing chloride, please refer to the County’s responses to the letter from Santa Clarita Organization for Planning and the Environment, dated September 22, 2011 (BOS-5). Because the comments do not point to any specific “inadequacy” in the environmental analysis of the Landmark Village project, no further response can be provided or is required.

Response to Comments regarding Perchlorate

Most of the e-mails repeat the claim that “[n]ew modeling of the ammonium perchlorate plume is needed to ensure safe drinking water,” pointing to the closure of a Valencia Water Company municipal supply well in the Saugus Formation. The comments also state that “[w]ater slated for the Newhall Ranch project must be re-directed to ensure clean to the community of Santa Clarita.” No expert or technical data is provided to support these claims. In addition, none of the comments cite or refer to any part of the Landmark Village Recirculated Draft or Final EIRs or to any of the technical reports appended to the EIRs, nor do they question the legal adequacy of any specific EIR section or report.

Nonetheless, it is important to note that Well 201 was taken out of service in August 2010, and has not been returned to municipal supply service since that time. It also is not relied upon as a municipal supply source in the recently adopted 2010 Urban Water Management Plan. Instead, Valencia Water Company's plan is to remediate the well by either permanently taking it out of service and replacing it with a new well in a non-perchlorate impacted portion of the groundwater basin, or adding wellhead treatment to the well, so that the water can be treated to "non-detect" levels. However, before either remediation option takes place, Valencia Water Company has committed to working with CLWA and the regulatory agencies (*e.g.*, Department of Public Health) before implementation of either remediation option. This includes an ongoing effort by the Valencia Water Company and CLWA to update the existing groundwater modeling to assist in addressing questions from the regulatory agencies.²

In response, the Landmark Village Final EIR, **Section 4.10, Water Service**, provides a lengthy analysis of the detection of perchlorate in the Santa Clarita Valley groundwater basin, and identifies the treatment that is available to remove perchlorate to "non-detect." **Section 4.10** also evaluates the recent closure of Valencia Water Company's Well 201, which is located in the Saugus Formation. Based on the technical analysis provided in **Section 4.10**, the EIR finds that, even with the detection of perchlorate, an adequate supply of water is available to serve the Landmark Village project and that the project will not contribute to any significant water supply impacts in the Santa Clarita Valley.

Specific to perchlorate, the EIR finds that the Landmark Village project will be served by local groundwater resources from the Alluvial aquifer from wells located along Castaic Creek, which is over four miles west of the former Whittaker-Bermite facility, the source of the perchlorate contamination in a portion of the groundwater basin; and, therefore, the Landmark Village project is not considered to be at risk due to perchlorate contamination released from the former Whittaker-Bermite facility. In addition, the quality of the groundwater available from the Alluvial aquifer near the Landmark Village project site has been tested, and the results from laboratory testing of the wells expected to serve the project site indicate that all constituents tested were at acceptable levels for drinking water. Perchlorate was included in the testing, and it was "non-detect."

In addition, the Landmark Village Final EIR (September 2011), Volume I, contains an updated topical response addressing perchlorate and treatment (see **Topical Response 1: Perchlorate Treatment Update**, which is attached).

Based on the analysis provided in **Topical Response 1**, substantial progress has been made in responding to the detection of perchlorate, and substantial facilities needed for remediation/treatment are in place

² Pers. Comm. Keith Abercrombie, General Manager, Valencia Water Company, September 30, 2011.

and actively monitored by the Castaic Lake Water Agency (CLWA), the local retail suppliers, and several regulatory agencies. The available evidence supports the conclusion reached in the Landmark Village Final EIR that there is an adequate water supply available to serve projected needs of the Landmark Village project and other existing and planned development in the Santa Clarita Valley.

In addition, **Topical Response 1** summarizes the monitoring already in place through the appropriate regulatory agency. In summary, the California Department of Public Health (DPH) recently corresponded with two of the retail water suppliers in the Santa Clarita Valley (Newhall County Water District and Valencia Water Company), and requested that both entities increase perchlorate monitoring from annually to quarterly at specified wells. Both entities have confirmed that they will conduct perchlorate monitoring quarterly as requested by DPH; therefore, adequate oversight from the appropriate regulatory agency is in place.

In addition, **Topical Response 1** addresses the active monitoring conducted by CLWA and the retailers with respect to the potential spread of perchlorate to other areas of the basin. In summary, CLWA has invested substantial funds in the implementation of its Saugus Perchlorate Facility, a \$13 million facility located near Bouquet Canyon Road and the Santa Clara River. This facility is designed to restore groundwater production capacity impacted by perchlorate contamination and control the migration of perchlorate from the site of the former Whittaker-Bermite site. This facility is part of a larger regulatory program, which includes the restoration of the Saugus 1 and Saugus 2 wells, to extract contaminated groundwater and control migration of perchlorate in the Saugus Formation aquifer. The cost of the facility and the larger regulatory program are covered under the 2007 settlement agreement, which protects the public from paying for the remediation costs. Prior to its operation, CLWA's facility was authorized by DPH.

CLWA and the retail water suppliers in the Santa Clarita Valley also recently adopted the 2010 Urban Water Management Plan (2010 UWMP). As part of the 2010 UWMP, CLWA and the retailers thoroughly addressed groundwater quality in the Santa Clarita Valley, including the detection of perchlorate in portions of the groundwater basin. The Landmark Village Final EIR summarized the key elements of the 2010 UWMP in **New Topical Response 15: 2010 Urban Water Management Plan**, which is attached. CLWA and the retailers found that even with the detection of perchlorate in Valencia's Well 201, there are adequate, available supplies to meet the existing and projected water needs of the Santa Clarita Valley through 2050.

For further information addressing the status and monitoring of perchlorate in portions of the groundwater basin, please refer to the County's responses to the letter from Santa Clarita Organization for Planning and the Environment, dated September 22, 2011 (BOS-5). Because the comments do not

point to any specific “inadequacy” in the environmental analysis of the Landmark Village project, no further response can be provided or is required.

Response to Comments regarding Traffic and Air Quality

The e-mail comments state that the Santa Clarita Valley already is experiencing severe air quality impacts and traffic congestion and that the proposed project will worsen those conditions. No expert or technical data is provided to support these claims. In addition, none of the comments cite or refer to any part of the Landmark Village Recirculated Draft or Final EIRs or to any of the technical reports appended to the EIRs, nor do they question the legal adequacy of any specific EIR section or report.

The Landmark Village Final EIR thoroughly evaluated the traffic and air quality impacts associated with the Landmark Village project and other cumulative development in the Santa Clarita Valley. Please see, specifically, the Landmark Village EIR, **Section 4.7, Traffic/Access**; and **Section 4.9, Air Quality**. Because the comments do not point to any specific “inadequacy” in the environmental analysis of the Landmark Village project, no further response can be provided or is required.

Response to Comments regarding Bankruptcy

The e-mails state generally that approval of the Landmark Village project is “not fiscally responsible,” because of a 2008 bankruptcy of the entity with the ownership interest in the Newhall Land and Farming Company, the project applicant for the Landmark Village proposed project. The bankruptcy topic was raised in comments on the Landmark Village Recirculated Draft EIR. The Landmark Village Final EIR includes a new topical response addressing such comments. Please refer to **Topical Response 10: Bankruptcy-Related Comments** (attached).

In summary, the topical response states that the applicant has emerged from Chapter 11 bankruptcy with the resources and financial flexibility necessary to move forward with implementation of the Landmark Village project and that, if the County certifies the EIR and approves the project, then the County also would adopt a Mitigation Monitoring and Reporting Plan (MMRP), which would ensure implementation, monitoring, and enforcement of all adopted mitigation measures.

Thus, the adopted MMRP provides the County with adequate assurances that the applicant will be required under CEQA to implement the adopted mitigation measures or not proceed with the project. At the final subdivision map stages, subdivision improvement agreements, bonds, and other adequate financial assurances also are required, which ensure performance of the mitigation measures and conditions of approval in conjunction with the project, if approved.

Because the comments do not point to any specific “inadequacy” in the environmental analysis of the Landmark Village project, no further response can be provided or is required.

**Index of E-mails Received
(in Alphabetical Order)**

DATE	ALPHA NAME	E-MAIL AUTHOR	LOCATION IN CALIFORNIA
9/27/11	Altman	Adrienne Altman, M.D.	Santa Clarita Valley
9/28/11	Andy	Real Estate by Andy	Unknown
9/28/11	Baker	Cheryl Baker	Unknown
9/27/11	Baker	Marina Baker	Unknown
9/28/11	Bauccio	Lois Bauccio	Unknown
9/27/11	Bottomley	Arlynn Bottomley	Unknown
9/28/11	Calhoun	John C. Calhoun	Santa Clarita Valley
9/28/11	Champlin	John C. Champlin	Unknown
9/27/11	Clark	Nancy Clark	Unknown
9/23/11	Cogswell	Barbara Cogswell	Unknown
9/28/11	deFerrante	Robert deFerrante	La Canada
9/27/11	Edwards	Douglas Edwards	Duarte
9/27/11	Erikson	David J. Erikson, Jr.	Laguna Nigel
9/27/11	Fabris	Neda S. Fabris	Cal State Univ., LA
9/27/11	Ferguson	Beatriz Ferguson	Unknown
9/28/11	Gernert	Ann Gernert	Studio City
9/27/11	Goetz	Genevieve Goetz	Unknown
9/28/11	Gordon	Eve H. Gordon, M.D.	Tarzana
9/27/11	Got2Skydive	"Got2Skydive@aol.com"	Unknown
9/27/11	Gulick	Elizabeth Gulick	Unknown
9/27/11	Hall	Sarah J. Hall	Burbank
9/28/11	Harvey	Francine	Unknown
9/27/11	Hermann	Suzanne Hermann	Santa Clarita
9/27/11	Hernandez	Natalie Hernandez	Loyola Marymount Univ.
9/27/11	Hundley	Jinjer Hundley	Toluca Lake
9/28/11	Ingram	Pam Ingrahm	Unknown
9/27/11	Jackson	M. Jackson	Unknown
9/27/11	Joseau	Olga Joseau	Valencia
9/27/11	Kelty	Violet Kelty	Unknown
9/28/11	Koegle	B. Koegle	Santa Clarita Valley
9/28/11	Lewis	Anne Lewis	Unknown
9/28/11	Long	Ralph Long	Glendora
9/27/11	Manning-Brown	Helen Manning Brown	Long Beach
9/28/11	Marilyn	Marilyn in Tarzana	Tarzana
9/25/11	Martin	Dr. Randy Martin	Santa Clarita

**Index of E-mails Received
(in Alphabetical Order)**

DATE	ALPHA NAME	E-MAIL AUTHOR	LOCATION IN CALIFORNIA
9/27/11	McLean	Kinsey McLean	Unknown
9/27/11	McNaughton	Nick McNaughton	Unknown
9/27/11	Mitchell	MaryJane Mitchell	Unknown
9/28/11	Moberg	Randy Moberg	Santa Clarita Valley
9/27/11	Naka	Ronald Naka	Unknown
9/28/11	Olson	Andrew Olson	West Hollywood
9/27/11	Plourde	Jena Plourde	Sun Valley
9/27/11	Rubin	Brady Rubin	Los Angeles
9/28/11	Sarmiento	Jeanne Sarmiento	Encino
9/28/11	Schratwieser	Barbara Schratwieser	Studio City
9/27/11	Smid	Bruno F. Smid	Canyon Country
9/28/11	Stokes	Sydell Stokes	Valencia
9/24/11	Sulpizio	Patti Skinner Sulpizio	Unknown
9/27/11	Ungermann-Marshall	Yana Ungermann-Marshall	La Canada
9/27/11	Wagner	Katie Wagner	Unknown
9/28/11	Watson	B. Watson	Unknown
9/28/11	Weaver	Joan Weaver	Unknown
9/27/11	Williams	Nicholas Williams	Lancaster
9/27/11	Wickham	Jonas Wickham	Los Angeles
9/27/11	Wollenberg	Casey Wollenberg	Los Angeles
9/28/11	Wyatt	Cat Wyatt	Unknown



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

**BOS-5 Letter from Santa Clarita Organization for Planning and the Environment, dated
September 22, 2011**

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



9-22-11

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Recirculated Draft Environmental Impact Report - Newhall Ranch, Landmark Village
(County Project No. 00-196)

Please copy to all Supervisors

Honorable Supervisors:

It has been a year and a half since this project came before you. Many issues, including traffic and climate change, were not adequately addressed at the Planning Commission level. It was our understanding that the project would return for review there before moving on to the Supervisors. Instead, we have a mere 10 days to review numerous changes to the DEIR, the mitigation plan and conditions for approval, and bring them to the attention of your Board. Unfortunately, your Board may not be able to provide the detailed analysis needed to address and provide mitigation for these issues. We urge you to please allow yourselves ample time to address these important details of the project proposal by allowing multiple hearings before your Board.

Date changes on short notice, such as the motion to continue the hearing from Sept. 27th to one week later, have added to the difficulty experienced by the public in providing your Board information on this project proposal. We strongly recommend that the Executive office properly re-notice this meeting with the required published legal notices and signage so that the public is appropriately and legally advised of this hearing.

In the last two months, several new developments have come to light that will severely affect water supply and water quality in the Santa Clarita Valley. These issues need to be addressed in the planning and environmental documents for this project.

Privatization of public water supply

While Newhall Ranch claims to have its own water supply from ground water and purchased from the Kern River in Central California, Valencia Water Co, the wholly owned subsidiary of Newhall Land and the company that will serve this project, has no municipal ground water rights. Further, the much-touted Kern River supply depends on a contract with a limited time period. As has been previously stated to your Board, privately owned water directed to a specific development may not be delivered through State Water Project public facilities. It must be

relinquished to a public supplier for public use. This governing structure protects the County's Planning authority in that it ensures water will remain public and available to all those that wish to use it for development projects.

A wheeling agreement must exist before water can be delivered to Newhall Ranch. It is our understanding that the DWR does not make such agreements with private parties. This fact is verified in a recent letter to the County of Los Angeles signed by Castaic Lake Water Agency General Manager, Dan Masnada, where he states:

"The document should state that though the Nickels water does constitute a source of supply, its delivery is contingent on execution of agreements with CLWA, and through CLWA, with DWR¹."

No such agreement is disclosed in the EIR. To our knowledge, there is no agreement on this matter. At the present time, Newhall only has access to the Nickels water at the Tubman Turnout in Kern County as described in the EIR, not in Los Angeles County where they need it.

Allowing public water to be controlled and directed to a specific corporation will preclude the County's ability to approve smaller projects that don't have this ability as water supplies become purchased and directed by certain large corporations. We urge the County to carefully consider this matter in the light of current water supply issues.

No Water Rights to water from the Santa Clara River Alluvium or Saugus Aquifer

We re-iterate, the Santa Clara River is NOT an adjudicated basin. **Valencia Water Co. has no adjudicated right to any amount of water from the Santa Clara River.** Water needs elsewhere in the upper watershed may have to be supplied from Valencia's existing agricultural wells. Indeed, the one agricultural well that is currently producing, E-15, is now serving existing customers in the Commerce Center. There is no discussion included the EIR of impacts to existing users, should state water cutbacks become long term and final.

Valencia Water Co. is a wholly owned subsidiary of Newhall Land and Farming, Newhall is fully aware of this issue.

Spread of Ammonium Perchlorate Pollution to Well V201 and Subsequent Closure of that Well

Ammonium perchlorate is a chemical that interferes with iodine uptake by the thyroid gland, thus producing hypothyroidism. This condition especially affects sensitive populations including fetuses, infants, small children and those with impaired immune systems. It can cause retardation in infants and children. While State officials recently urged an even lower Maximum Contaminant Level (MCL) for ammonium perchlorate and the Environmental Working Group urges a 0 tolerance level for children, the public in this Valley was not even informed of the closure of yet another drinking water well due to perchlorate pollution.

¹ See Castaic Lake Water Agencies comments on OVOV General Plan update attached as Exhibit 1

On June 9th, 2011, the Newhall Signal ran a news story regarding the spread of the pollution plume to Valencia Saugus water well 201. (Press release attached, Exh. 2). This is the seventh well in Santa Clarita closed due to ammonium perchlorate pollution.

Interestingly, the press release states that this well, owned and operated by Valencia Water Company, wholly owned subsidiary of Newhall Land, has been closed since August 2010. However, no environmental documents disclosed or discussed this information, including the EIR/EIS for the Newhall Ranch River Alteration Permit, the County OVOV General Plan Update, nor the Urban Water Management Plan, until June 2011 although the information was known almost a year earlier. ***Failure to disclose such important information in the DEIR and to the public constitutes a serious deficiency in the DEIR document and in the planning process.*** Since this well has been closed for almost a year, during which time the comment period on this entitlement was in process, there seems to have been a deliberate effort to withhold this information from the public and the decision-makers. We strongly protest the applicant's lack of transparency on this matter.

We note that a previous Valencia well closure for ammonium perchlorate pollution (Well Q2, also owned by Valencia Water Co., and Newhall Land) brought the approval process to a stop while agencies reviewed the movement of the pollution plume and devised a treatment system for that water supply well.

This lack of transparency is particularly disturbing since the water agencies seem to have a record of keeping information from the public. During the CLERLA litigation CLWA sought and obtained an order sealing the Court record so that information, depositions and expert testimony that is normally publicly available to anyone would be kept secret, even from elected water agency members. (Protective order attached, Exh. 3) Since this Court matter is now settled, the documents should now be unsealed so that the public has full access to this information. We urge the County to request these documents so that they can be fully apprised of all aspects of the Santa Clarita Valley's groundwater contamination.

As the County undoubtedly knows, this is an extremely serious situation since it means that the pollution plume has moved beyond the "pump and treat" capture wells and is moving at a much faster rate of travel than previously estimated would occur. (See attached Maps for location of various water supply and monitoring wells, Exhibit 4.²) In 2004, the environmental community, including SCOPE, expressed grave concern over the possibility of such a scenario, but the water agencies and others disregarded those concerns.

If pumping from this well continues, such pumping may draw the pollution plume further in a westerly direction, thus spreading the contamination into an even greater portion of the Saugus aquifer and possibly making that ground water source unusable. (See news Articles, Exhibit 5 and Exhibit 6.)

² Eastern Santa Clara River Subbasin Ground Water Study, Conceptual Hydrology Technical Memorandum prepared for the USACE, 2004

In fact, this was already a concern put forward by Whittaker during the CERCLA litigation filed by Castaic Lake Water Agency³, Exhibit 7. According to this verified legal filing, the Water Agencies were only able to fend off the accusation that they spread the plume as asserted by Whittaker because they took several actions to protect the public including items #3 and #4:

3. "notified local government bodies of their decision to remove wells from service" and
4. "participated in numerous meetings about the Santa Clarita Valley's perchlorate problem with state agencies and citizens groups⁴"

These two precautions were ignored in regards to the notification of contamination and subsequent closure and of Well V201. Although contamination in this well consistently increased over the subsequent months (see exhibit 8, ammonium perchlorate levels in well 201) from its first discovery in August, the Agencies did not report this fact to the public.

The now likely possibility of the spread of the pollution plume has major implications for water supply in the Santa Clarita Valley. The Saugus Aquifer is one of the two major sources of ground water that supplies our community. It is the source that has been relied upon in case of a drought where surface flow and imported State Water Project Water may become severely curtailed or not available at all. (Please see water supply information provided in the EIR.) SCOPE therefore believes it is imperative that the County delay approval of the Landmark Village project, since water supply for that project may be needed to supply other already approved Newhall Land projects if the contamination plume cannot be contained. We believe the approval and the EIR must now be re-written to address the previous areas of concern, and additionally:

1. Water supply from well 201 should be permanently removed as an available supply in the EIR and approval delayed until new modeling that indicates continued pumping would not spread the plume is completed. Pump and Treat scenarios are not acceptable if they will merely spread the plume and pollute more wells. (It should be noted that the California Dept. of Health Services recognized this potential problem early on and has advised the agencies that they need to provide new modeling. See news article previously cited, Exh.6 and correspondence to the agency, Attachment 9)
1. Well Q2 should be re-tested on a monthly basis to make sure that pollution is not occurring there again.
2. All wells in the plume area should be tested for TCE and PCE.
3. All results should be included in the EIR.
4. The EIR should re-evaluate the adequacy of the water supply, especially for existing drought scenarios and for future development.
5. The EIR should provide an automatic re-evaluation of water supply if/when further well closures occur as a mitigation measure with regulatory oversight to ensure adherence.

In 2004 the Appellate Court⁵ (Exh 10) found for the Friends of the Santa Clara River and the Sierra Club and set aside CLWA's 2000 Urban Water Management Plan for failure to provide a

³ Order Granting in Part and Denying in Part Plaintiffs Motion for Summary Judgement, July 2003, CLWA v Whittaker, page 43 Decision attached

⁴ *Ibid.* Page 46

⁵ *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2004) 123 Cal.App.4th

timeline indicating when treatment facilities for water polluted by ammonium perchlorate would be available.

That Decision included the following testimony from Department of Toxic Substances:

“The concentration of perchlorate in the production wells probably represents the leading edge of a much larger plume of higher concentrations of perchlorate. The total area of the Saugus Aquifer contaminated by the perchlorate has yet to be fully defined. We do know that the contaminant has migrated a minimum of 2 miles through the subsurface and over land to contaminate the vital pumping areas. (Exhibit 23.) Since the groundwater gradients in the contaminated area in the Saugus are towards the west, the contaminant is likely to continue to migrate further west and northwest. Time of travel from the soil contamination sites to the deep Saugus wells implies that the contaminant has been moving between 1 to 3 feet per day within the Saugus Aquifer. This implies that the perchlorate could impact [VWC’s] well No. 201 as early as next year. Further down gradient is [VWC’s] well No. 160.”

Also, Richard D. McJunkin, a senior hydrogeologist with the California Department of Toxic Substances Control, testified that “increased pumping of water from wells near the contamination site will accelerate the flow of the perchlorate contamination.”⁶

We note that Valencia Water Co. now has two additional down gradient wells, V205 and V206 that are major drinking water supply producers, in addition to well 160. Continued pumping from these wells may just result in their eventual closure. That is one of the most important reasons that additional modeling and evaluation are needed.

In light of the 2004 precedent setting legal decision involving the Agencies’ failure to adequately disclose the ammonium perchlorate pollution problem, we encourage the County to act in good faith, delay approval of the current application and address these serious issues.

Failure to Address Compliance with Chloride Total Maximum Daily Load (TMDL)

It has come to our attention through proceedings at the County of Los Angeles Board Of Supervisors⁷ and the L.A. CO Regional Planning Department for the Mission Village tract of the Newhall Ranch project (the 2nd phase of Newhall Ranch adjacent to the Santa Clara River, 4200 units, hearing set for later this month) that the Newhall Ranch developer no longer intends to initially build the Newhall Ranch Water Treatment Plant. (Please see proceedings especially from the May18th hearing available on line at the Los Angeles County Regional Planning

⁶ *Ibid.* Opinion at page 10

⁷ Board of Supervisors Hearing held Jan 18th 2011, agenda item 25, staff report attached as exhibit 6, see paragraph entitled “**IMPACT ON CURRENT SERVICES (OR PROJECTS)**”

Department website.) Rather, effluent from the first 6000 units will now be re-routed through the existing non-compliant Valencia Treatment Plant. This scenario was not contemplated or evaluated in the Newhall Ranch Specific Plan, nor the certified EIR for that project. Neither does the backbone sewer maps nor the recycled water distribution lines in the Specific Plan show such an alternative. None of the California Environmental Quality Act (CEQA) documents certified for the formation of the Newhall Ranch Sanitation District discloses or evaluates such a scenario.

Instead the Specific Plan addressed impacts anticipated for the Newhall Ranch Project and the Water Reclamation Plant (WRP) water quality impacts with the following applicable mitigation measures:

Specific Plan Water Quality Impacts

WRP Water Quality Impacts - The WRP's discharges to the Santa Clara River would comply with the Water Quality Control (Basin Plan) for the Los Angeles Region (approved February 23, 1995). This compliance ensures that the WRP also would meet state and federal requirements for water quality.

- SP-5.0-52: Requires creation of a new County sanitation district to administer operation of the WRP.
- SP-5.0-53: Requires satisfaction of Title 22's standards, which regulate the use of reclaimed water.
- SP-5.0-54: Requires the WRP to satisfy the State Regional Water Quality Control Board, Los Angeles Region, discharge limits for reclaimed water and water used.

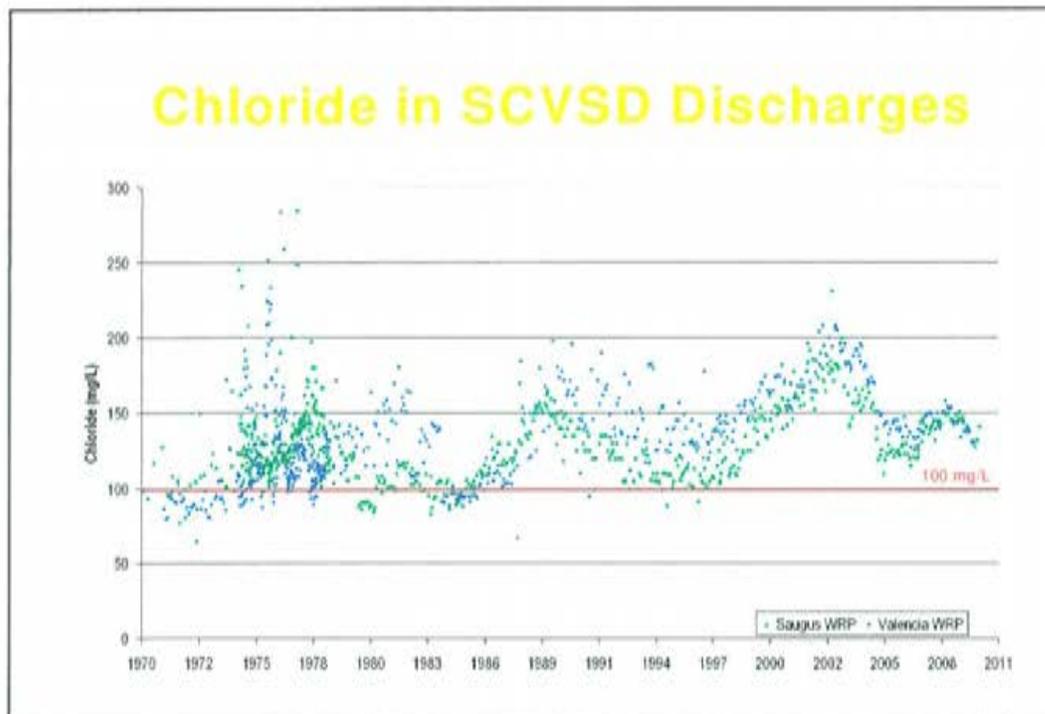
Less than Significant to irrigate landscaped areas ***ONLY DUE TO OBTAINING AN NDPES PERMIT THAT COMPLIES WITH THE CHLORIDE TMDL***.

- SP-5.0-55: Requires the WRP to obtain a National Pollutant Discharge Elimination System permit.
- SP-5.0-56: Requires the sanitary sewer system to be designed and constructed for maintenance in accordance with applicable manuals, criteria, and requirements.

(Source: Newhall Ranch Revised Draft EIR (March 1999); Newhall Ranch Revised Additional Analysis (May 2003).

Further, at the Jan 18th Board of Supervisors meeting, Item 25 (staff report available for reference on the County website, SCOPE comment letter attached Exh.11) the Sanitation Districts first informed the Board and the public that a contract existed for the first 6000 units to use the Valencia Sanitation District. This contract was not evaluated in the Specific Plan or any of the subsequent CEQA documents. The contract itself was also made without CEQA analysis. Therefore it cannot be relied upon at this time.

The reason that this change will have a major on water quality in the Santa Clarita Valley is because the Newhall Ranch Treatment Facility was permitted to comply with the Clean Water Act Santa Clara River chloride Total Maximum Daily Load (TMDL) of 100mg/l. The Valencia Treatment Plant does not comply with this TMDL. Neither does the Saugus treatment plant as indicated by the chart below supplied by the Sanitation District at a public hearing held in 2010:



Based on the following chronology timelines provided to the community at public hearings, it is obvious that that the Sanitation Districts cannot meet the required timelines of the compromise Plan

- 1989** Permit limits set at 100 mg/L
- 1997 – 2000** Sanitation District efforts to relax limit to 143 mg/L with drought relief failed.
- 2002** RB adopts TMDL with permit limits at 100 mg/L (\$500M project) **City and San. Districts oppose and San. District files appeal to State Board**
- 2004** RB readopts TMDL with 100 mg/L but extends the compliance schedule to 2018 and allows special studies
- 2006** Ag studies identify 100-117 mg/L protects crops
Regional Board shortens compliance schedule to May 2016.
City and Sanitation District oppose to State Board
- 2007** State Board affirms 2006 decision.
City and District oppose and District pursues alternatives
- 2008** Regional Board approves higher limits
contingent upon Alternative Compliance Plan (\$250M Project) by May 2015
- July 27, 2010** Sanitation Board members refuse to approve funding for the Alternative Compliance Plan even after Sanitation staff explain that they cannot meet the schedule without approved funding.

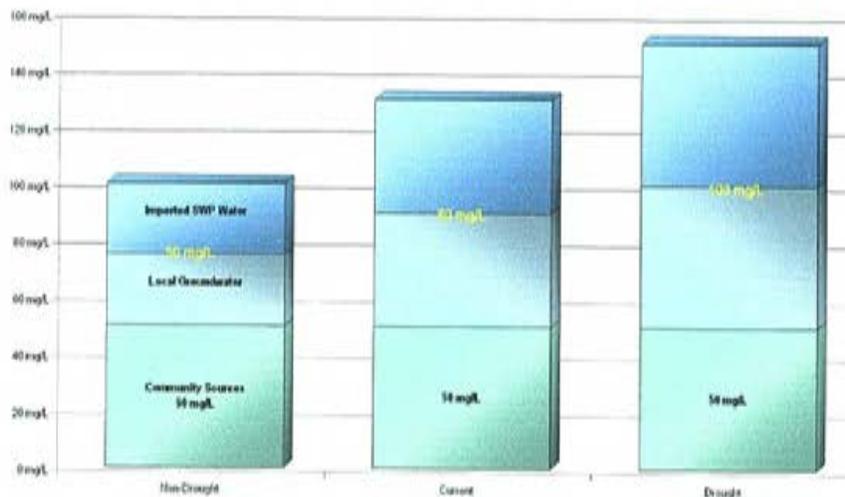
A news article in the Newhall Signal dated June 8th 2011 stated that the Los Angeles Regional Water Quality Control Board has issued Notices of Violation for the Saugus and Valencia Treatment plants for failure to address the Chloride TMDL. (Notices of Violation attached, Exhibit 12).

The County may not issue an approval for a project that is not consistent with the Newhall Ranch Specific Plan and should not issue one for a project that will violate the Clean Water Act. The EIR should disclose these Notices and discuss how the applicant plans to achieve compliance with the Clean Water Act for their sewage releases for the first 6000 units of the Newhall Ranch project.

In 2008, a large group of stake holders developed a comprise "Alternative Water Resources Management Plan (AWRMP) and the water agencies and Sanitation Districts signed a Memorandum of Understanding⁸ in order to implement the Plan. Failure to comply with the compromise Plan worked out with basin stakeholders will result in the imposition of the stricter 100 ugl TMDL standard.

The Santa Clarita Sanitation Districts' failure to meet the Clean Water Act Total Maximum Daily Load (TMDL) standard for chloride of 100mg/l in the Santa Clara River is a result mainly of the sharp and continuing increase in the use of imported State Water Project (SWP) water. The following slides presented to the public by the Sanitation Districts at the 2010 hearing clearly indicated this fact.

Chloride Sources During Drought & Non-Drought Conditions



⁸ Memorandum of Understanding for Implementation of an Alternative Water Resources Management Plan, Oct. 2008, attached to our August 24th, 2009 DEIR/EIS comment letter

According to the Recirculated Landmark DEIR now before the County of Los Angeles, Newhall reserves the option to use the Valencia treatment plant rather than building their own Sanitation Plant as required by the Specific Plan. Without the immediate construction of the Newhall Ranch Water Reclamation Plant, approved as an RO (reverse osmosis salt removal system) facility, the high chlorides in the wells proposed to be used by this project in the chart below and the additional imported Nickels water will add to this load. Apparently now there are no plans to build this plant for the first phases of Newhall Ranch.

Water Quality Constituents of Concern

Secondary Standards: (from EIR Appendix)

Parameter	MCL	DLR	Units	E-14	E-15	E-16	E-17
Chloride	250-500-600	NA	mg/L	75	88	89	74
pH	6.5 - 8.5	NA	units	7.5	7.7	7.3	7.4
Specific Conductance (E.C.)	900-1600-2,200	NA	umho/cm	1240	1290	1390	1360
Sulfate	250-500-600	0.5	mg/L	340	330	340	340
Total Dissolved Solids (TDS)	500-1000-1500	NA	mg/L	900	890	950	960

The EIR failed to discuss this potential inability to comply with the Clean Water Act. As indicated by the description of significance above, this is a significant unmitigated impact that was not addressed.

Statements by Newhall Land, Castaic Lake Water Agency and the Sanitation Districts that water from the Kern area serves to reduce the chloride concentration in imported State Water Project (SWP) water are not accurate for the following reasons:

1. no study exists to verify this hypothesis
2. CLWA water wheeled from banking projects in the Kern area through the aqueduct is only a small percentage of the total state water delivered through the east and west branch of the aqueduct. Thus, this water could not possibly reduce chloride levels in SWP water in any appreciable amount.

Newhall Ranch planned to utilize abandoned oil wells on its property to inject briney water, since no brine line is available. This is an expensive proposition. Where will Newhall get the money

to actuate these wells? Is this yet another infrastructure need that will be foisted onto the backs of local taxpayers?

Condition 4.11-8 required Newhall to pay for the cost of water expansion and treating the wastewater effluent. A financial feasibility analysis should be required in order to comply with this condition of approval. We request that your Board be provided with this information, including the cost of the brine well.

Failure to Comply with the Los Angeles County Development Monitoring System (DMS)

County Urban Expansion Areas such as the Santa Clarita Valley are subject to the County's Development Monitoring System (DMS). The DMS is a General Plan Amendment (SP 86-173) that was authorized by the Board of Supervisors on April 21st, 1987.

The DMS came into existence as a settlement agreement to resolve public interest litigation brought by the Center for Law and the Public Interest over the proposed increase in population projections in the 1987 General Plan.

Developed with the overview of James Kushner acting as Court referee, the DMS aimed to address infrastructure needs in six areas – water supply, sewers, school, roads, libraries and fire service. It would analyze existing uses and approved but unbuilt entitlements to ensure that approvals were not outpacing the ability to provide services. In an article written by Mr. Kushner, he stated:

“The Los Angeles County Development Monitoring System (DMS) utilizes computer technology to determine capital facility supply capacity and demand placed upon that system by each approved and proposed development. The computer warns decision-makers when demand exceeds capacity and instructs planners on system capacity expansion to meet projected demand.”⁹

As a Court ordered Amendment instituted as settlement, the County must comply with this portion of the General Plan.

Consistency with the General Plan and the DMS was an issue brought forward in the litigation over the Specific Plan approval. The trial court ruled that compliance with the DMS would be addressed at the tract map stage¹⁰

It is now 2011 and we have arrived at the FEIR for this first tract in the Newhall Ranch Specific Plan. No DMS analysis as required by the General Plan to show adequacy of infrastructure has been complicated for the six DMS service areas since 2004, over 7 years ago. That 2004 analysis is not longer accurate, given the growth in the Santa Clarita Valley since that time.

⁹ “Zoning and Planning Law Report”, May 1988

¹⁰ Statement of Decision of Judge Roger Randall, Kern Case 238324-RDR, 2000, Page 32

Particularly, no analysis of the capacity of sewage treatment exists for the new proposal to provide treatment for the first 6000 units of Newhall Ranch as promoted by the developer and the Sanitation Districts.

Conclusion

SCOPE joins with other organizations and members of the community in asking that the County of Los Angeles to delay the approval of the Newhall Ranch Landmark tract and the certification of the EIR until this new information is thoroughly evaluated and to devise protections for the community that can be included as mitigation.

Since the applicant has been fully aware of these matters for over a year, they should have already disclosed and addressed these matters in their environmental documents. Any delay caused by the necessity to ensure clean drinking water for the residents of the Santa Clarita Valley should be placed squarely at the feet of the applicant due to his failure to disclose these issues.

Sincerely,



Lynne Plambeck
President

Attachments for the Administrative Record:

1. 1 CLWA comments on OVOV referencing the need for the privately held Nickels water to be acquired by CLWA
2. Press release regarding closure of well 201
3. Protective Confidentially Order sealing Federal Contamination case record
4. Maps of well locations and monitoring well contaminants, 2004
5. Order Granting in Part and Denying in Part Plaintiffs Motion for Summary Judgement, July 2003, CLWA v Whittiker
6. Signal Article "Toxins in Well Prompt Concern"
7. Signal Article "Perchlorate Spread Worries State"
8. Increasing Ammonium Perchlorate levels in Well 201
9. Correspondence from the CA Dept of Health Services to Valencia Water Co. indicating new modeling was required.
10. Appellate Court Decision in Friends v. Castaic Lake Water Agency
11. SCOPE comment letter to the LA County Board of Supervisors Re Agenda Item 25, Jan 18th, 2011, Saniation District disclosure of contract for use of Valencia Treatment Plant
12. Two RWQCB Notices of Violation for SCV treatment plants dated 5-27-11
13. LA County Board of Supervisors Staff Report Agenda Item 25, Jan 18th, 2011 (included by reference and available on the County's website
14. Specific Plan Court Decision is in the County Newhall Ranch Specific Plan records, and will be provided upon request.

BOS-5 Letter from Santa Clarita Organization for Planning and the Environment, dated September 22, 2011

Introduction

This response addresses the letter from Santa Clarita Organization for Planning and the Environment (SCOPE), dated September 22, 2011. The County will respond to two procedural items in this introduction, and substantively respond to the balance of the comments presented in SCOPE's letter. Please note that this letter included a number of attachments, all of which are presented after this response. Note also that Topical Responses from the Revised Final EIR referenced in this response are presented in a separate section entitled "Referenced Topical Responses from the Landmark Village Revised Final EIR, September 2011."

The first procedural item centers on the date of SCOPE's letter, which is September 22, 2011. According to the County's records, SCOPE did not provide the County with the letter and attachments, totaling 217 pages, until September 27, 2011. The County points this out to clarify actual receipt of the letter and attachments.

The second procedural item focuses on SCOPE's statement, page 1, first paragraph, wherein SCOPE states its understanding that the Landmark Village project would return for review to the Planning Commission. The County is not aware of the basis for SCOPE's understanding. The Regional Planning Commission conducted a public hearing on Landmark Village and the EIR on January 31, 2007 and February 28, 2007, and approved the project unanimously on January 9, 2008. The project was then called for review by the County's Board of Supervisors due to the Plan Amendment request. The County did not contemplate returning the project, after Regional Planning Commission approval, back to the Commission.

Relatedly, on page 1, first paragraph, SCOPE states that it had "a mere 10 days to review numerous changes" made in the Landmark Village Final EIR. In fact, the County made the Landmark Village Final EIR available for public review about 20 days in advance of the Board's October 4, 2011 hearing, which is ten days more than required under CEQA (Pub. Resources Code §21092.5(a)).

Response to Water Supply/Groundwater Rights Comments

In the letter, page 1, last paragraph, SCOPE states that the applicant (Newhall) "claims to have its own water supply from groundwater," but that Valencia Water Company, a subsidiary, that will serve the Specific Plan, including Landmark Village, "has no municipal groundwater rights."

First, as to SCOPE's reference to the applicant's "claim" to have its own water supply from groundwater, it should be noted that SCOPE was one of the entities that settled and dismissed its appeal in connection with the prior Newhall Ranch litigation (*United Water Conservation District, et al. v. County of Los Angeles, et al.*, Case No. 239324-RDR [Consolidated with Case Nos. 239325, 239326 and 239327-RDR] 5th Civil No. F044638).¹ In this litigation, SCOPE and other entities had appealed the order granting a motion brought by the County and Newhall to discharge the writ of mandate that was previously entered by the trial court. The motion was granted discharging the prior writ, because the trial court found that the Newhall Ranch additional environmental analysis complied with CEQA.

As part of the settlement effective March 29, 2004, SCOPE and other entities acknowledged that the Newhall Ranch Revised Additional Analysis (Volume VIII; May 2003) had disclosed the actual amount of groundwater pumped from the basin to irrigate Newhall's agricultural lands in Los Angeles County. Further, SCOPE and other entities acknowledged that a total of 7,038 acre-feet per year was determined to be the average amount of water used on Newhall's agricultural lands in Los Angeles County from 1996-2000. In addition, SCOPE and other entities acknowledged that: (a) groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County would be made available by Newhall, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan; (b) the amount of groundwater pumped for this purpose would not exceed 7,038 acre-feet per year; and (c) pumping this amount would not result in a net increase in groundwater use in the Santa Clarita Valley. The terms of the settlement also required Newhall to monitor, report, and verify its groundwater usage and to provide on-going groundwater-related documentation.

Based upon this settlement, the pending appeal was dismissed, resulting in final resolution of all litigation over the adequacy of the certified Newhall Ranch Specific Plan Program EIR and its water supplies. As a result of this settlement, it is not appropriate to reargue prior comments and claims concerning the Specific Plan's use of local groundwater to meet its potable water supplies.

Second, as to the claim concerning Valencia Water Company, it should be noted that it is a California Public Utilities Commission-regulated investor-owned water utility. Valencia Water Company serves approximately 30,100 service connections in a portion of the City of Santa Clarita and in the unincorporated communities of Castaic, Newhall, Saugus, Stevenson Ranch, and Valencia. The Valencia Water Company supplies water from both groundwater and Castaic Lake Water Agency (CLWA)

¹ The "Notice of Settlement and Dismissal of Appeal" was filed April 1, 2004, is incorporated by this reference and available for public inspection and review upon request to the County's Department of Regional Planning.

turnouts; it also delivers recycled water.² In that capacity, Valencia Water Company, like other retail water suppliers in the Santa Clarita Valley, has appropriative water rights by pumping from wells in both the Saugus Formation and the Alluvial aquifer for municipal and industrial uses; therefore, it is not correct that Valencia Water Company has “no municipal groundwater rights.”

Third, while the local groundwater basin is unadjudicated, that fact is widely known and reported by CLWA and the retail water agencies in the Santa Clarita Valley.³ Under California law, the applicant, as an overlying landowner, has the right to take water from the ground underneath for use on the “overlying” land within the basin or watershed -- the right is based on ownership of the land and is appurtenant to that ownership. The overlying owner, in this case, Newhall, is authorized to take such amounts as are reasonably needed for beneficial purposes. (See, e.g., *City of Pasadena v. City of Alhambra* (1949) 33 Cal.2d 908, 925; Cal. Const., art. X, section 2.) The rights of the overlying owner also are generally paramount. (*City of Pasadena, supra*, 33 Cal.2d at 927.)

As reported in the Landmark Village Final EIR (September 2011), **Section 4.10, Water Service**, the applicant would meet all of the Landmark Village project’s potable water demands by using groundwater pumped from the Alluvial aquifer, which is presently committed to agricultural uses. The amount of water historically and presently available from this source is approximately 7,038 acre-feet per year (afy). The revised project’s potable water demand is estimated at 575 afy. The water presently and historically used to irrigate crops would be pumped from sanitary-sealed municipal supply wells (as compared to open air agricultural wells), treated at the wellhead to meet Title 22 drinking water standards, and then used to meet the proposed project’s potable demand, as agricultural areas are taken out of production. Thus, the amount of groundwater that will be used to serve the potable demands of the project would not exceed the amount of water historically used for agricultural uses.

Response to Nickel Water Comments

SCOPE continues to take issue with the applicant’s Nickel water supply source for the Newhall Ranch Specific Plan, which is described in SCOPE’s letter, page 1, last paragraph, as the “Kern River supply.” SCOPE contends that the Nickel water is “privately owned water directed to a specific development” that “may not be delivered through the State Water Project public facilities” and that it must be “relinquished to a public supplier for public use.” (SCOPE letter, pp. 1-2.) SCOPE also contends that a “wheeling

² See, 2010 Santa Clarita Valley Water Report (June 2011), prepared by Luhdorff and Scalmanini Consulting Engineers, p. 1-3.

³ The water agencies/entities in the Santa Clarita Valley consist of CLWA, the imported water wholesaler, and four local retailer water suppliers: CLWA’s Santa Clarita Water Division, Los Angeles County Waterworks District No. 36, Newhall County Water District, and Valencia Water Company. (See, 2010 Santa Clarita Valley Water Report (June 2011), prepared by Luhdorff and Scalmanini Consulting Engineers, p. ES-1.)

agreement must exist before water can be delivered to Newhall Ranch” citing a letter from CLWA General Manager, Dan Masnada. SCOPE states that there is “[n]o such agreement . . . disclosed in the EIR,” and that, “[a]t the present time, Newhall only has access to the Nickel water at the Tubman turnout in Kern County as described in the EIR, not in Los Angeles County” where it is needed.

In response, first, SCOPE has previously raised the Nickel water supply source claims in prior comment letters. Therefore, for responsive information, the County directs SCOPE to the Landmark Village Final EIR (September 2011), Volume I, **New Topical Response 11: Nickel Water**. In summary, the Final EIR acknowledges that separate agreements are required to deliver Nickel water to the Santa Clarita Valley; however, a “point of delivery” agreement between the applicant and CLWA is not needed at this time for the Landmark Village proposed project, because the potable water demand for the project would be met through the applicant’s rights to 7,038 afy of local groundwater from the Alluvial aquifer, which is presently used by the applicant for agricultural irrigation. Because Landmark Village’s potable water demand is only 575 afy, the entire potable water demand would be met through available groundwater supplies. Thus, the Nickel water supply source is not needed to implement Landmark Village.

In addition, CLWA has successfully negotiated “point of delivery” agreements in the past, and does not expect any difficulty obtaining such an agreement, when needed, in the future. Please refer to the Landmark Village Final EIR (September 2011), **Response 6** to the letter from CWIN, dated March 9, 2010 (Letter C4); and **Response 18** to the letter from the Sierra Club, dated March 17, 2010 (Letter C12) for additional information responsive to this comment.

SCOPE’s comment also states that a privately owned water source may not be “wheeled” through the State Water Project (SWP) aqueduct. As explained in the Landmark Village Final EIR (September 2011), **Response 7** to the letter from CWIN, dated March 9, 2010 (Letter C4), pursuant to the agreement between the applicant and the Nickel Family, LLC, the Nickel water would be delivered through the Kern County Water Agency (KCWA) to CLWA through the existing California Aqueduct and associated facilities. Therefore, a privately owned company is not utilizing SWP facilities; instead, KCWA, a public water agency and a SWP contractor, would deliver the Nickel water to CLWA, a wholesale public water agency and a SWP contractor. Please also refer to **New Topical Response 11: Nickel Water** for additional information responsive to this comment.

Further, it is not accurate to state that a private company cannot utilize SWP facilities. For example, as stated in the certified Newhall Ranch Revised Additional Analysis (SCH No. 1995011015; May 2003):

“California State Water Code §1810 requires that any available capacity in any water conveyance facility be made available if needed. Specifically, the Code section states ‘. . . neither the state, nor any

regional or local public agency may deny a bona fide transferor of water the use of a water conveyance facility which has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid for that use” (Newhall Ranch Revised Additional Analysis (May 2003), Section 2.5, p. 2.5-142.)

This Water Code provision requires that public agencies make available unused conveyance capacity of their facilities, subject to payment of fair compensation and other conditions. The legislative findings adopted when this provision was passed state that: “[i]t is the policy of the state to facilitate the voluntary sale, lease or exchange of water, or water rights in order to promote efficient use.” (Wat. Code, section 1810 [Historical and Statutory Notes].) The Department of Water Resources (DWR) has conveyed non-SWP water for the SWP contractors in SWP facilities prior to the Monterey Amendment when sufficient capacity was available. For example, in 1990, a critically dry year, non-SWP water purchased from Yuba County was transported to three contractors: Tulare Lake Basin Water Storage District, Santa Clara Valley Water District, and Empire West Side Irrigation District. The amounts conveyed using SWP facilities were 31,211 af, 28,962 af, and 2,031 af, respectively. The Monterey Agreement also allows the conveyance of non-SWP water. Under the Monterey Agreement, Article 12(f) specifically assigns priority to the conveyance of non-SWP through SWP facilities when sufficient capacity is available. Separate agreements called “point of delivery” agreements would allow conveyance of the Nickel water through SWP facilities (e.g., Tubman turnout, Oso Pumping Plant) to the Semitropic Water Storage District for storage and the conveyance of the stored water from Semitropic to CLWA.

Further, SCOPE states that agreements between CLWA and the applicant to allow for delivery of the Nickel Water to the Santa Clarita Valley are not in place, citing a letter from CLWA’s General Manager, Dan Masnada. The letter, however, appears to be taken out of context. In that letter, CLWA confirmed that the Nickel water constitutes a source of supply for the Newhall Ranch Specific Plan; and it pointed out that delivery of the Nickel water is contingent upon execution of agreements with CLWA. The Landmark Village Recirculated Draft EIR, **Section 4.10, Water Service**, disclosed that the Nickel water could be stored in the applicant’s Semitropic water storage account and that when Nickel water is needed for the Newhall Ranch Specific Plan, CLWA and the applicant would need to arrive at the necessary delivery arrangements and related agreements:

“The Newhall Land and Farming Company has entered into an agreement to reserve and purchase water storage capacity of up to 55,000 af in the Semitropic Water Storage District Groundwater Banking Project (Newhall Ranch Revised Additional Analysis [Volume VIII, May 2003]). *Sources of water that could be stored include, but are not limited to, the Nickel Water.* The stored water could be extracted in dry years in amounts up to 4,950 afy. There is 18,828 af of water stored in the Semitropic Groundwater Storage Bank by the Specific Plan applicant for the Specific

Plan. Newhall Ranch is located within the CLWA service area. *Delivery of stored water from the Newhall Semitropic Groundwater Bank requires further agreements between CLWA and the Specific Plan applicant.* However, the Nickel water would only be needed on the Specific Plan site in years when all of the Newhall agricultural water has been used, which is estimated to occur after the 21st year of project construction. *As a result, there is more than ample time for CLWA and the applicant to arrive at the necessary delivery arrangements and related agreements.*" (Landmark Village Recirculated Draft EIR (January 2010), pages 4.10-94 through 4.10-95, italics added.)

In addition, as part of the Landmark Village Final EIR (November 2007), CLWA submitted a comment letter, dated February 20, 2007. In that letter, CLWA correctly pointed out that various imported water supplies (e.g., Nickel water) would need to be delivered through SWP facilities controlled by the DWR and the treatment and conveyance facilities controlled by CLWA. In response to CLWA's comment letter, the Landmark Village Final EIR acknowledged CLWA's comment. Thus, for clarification purposes, while the Landmark Village proposed project does not need the applicant's Nickel water to meet the project's water demand, when that water is needed to serve the Newhall Ranch Specific Plan, CLWA and the applicant will have to agree upon necessary delivery arrangements and enter into related "point of delivery" agreements that would allow conveyance of the Nickel water through SWP facilities to the Santa Clarita Valley. For additional responsive information, please see **New Topical Response 11: Nickel Water.**

Response to Perchlorate Comments

In the letter, pages 2-5, SCOPE comments on ammonium perchlorate (perchlorate) and the spread of perchlorate to Valencia Water Company's Saugus Formation municipal supply Well 201. SCOPE questions the circumstances surrounding Valencia Water Company's detection of perchlorate at Well 201. It also states that the detection of perchlorate at Well 201 means that CLWA's "pump and treat" program is not working, and questions why perchlorate in Well 201 was not contained by that program. Further, SCOPE requests additional testing and new modeling and wants the Landmark Village project delayed until the testing and modeling are completed. Lastly, SCOPE cites a 2004 Court of Appeal decision and testimony from the Department of Toxic Substances Control (DTSC) cited in that decision.

In response, perchlorate is a regulated drinking water contaminant in California with a maximum contaminant level (mcl) of 6 parts per billion (ppb). The Valencia Water Company test in August 2010 was 5 ppb. Since that time, readings have varied from 5 to 12 ppb (see Valencia Water Company's letter, dated June 8, 2011, included in Revised Final EIR, **Appendix F4.10.**)

Further, the Landmark Village Final EIR (September 2011), Volume I, contains a thorough update of the detection of perchlorate in the local groundwater basin, including the recent detection of perchlorate in

Valencia Water Company's Well 201 (see **Updated Topical Response 1: Perchlorate Treatment Update**). The topical response summarizes the current status of the perchlorate clean-up in the groundwater basin.

In summary, a total of seven municipal drinking water wells, each located relatively near the site of the former Whittaker-Bermite munitions facility, have been taken out of service for varying periods of time since perchlorate was first detected in the groundwater in 1997. The seven closed wells include six originally-impacted wells and the recent closure of Valencia Water Company Well 201.

Five of the six originally-impacted wells have been either returned to service with perchlorate treatment facilities or replaced by new wells drawing from the non-impacted portion of the groundwater basin. The five wells collectively restore much of the temporarily lost well capacity. An additional two wells will be drilled to restore the operational flexibility that existed prior to the detection of perchlorate.

Specific to Well 201, Valencia Water Company plans to actively seek remediation and restore the impacted well capacity in the near term. With that said, however, Well 201 remains out of service since August 2010. Valencia Water Company's plan is to either replace the closed well with a new replacement well in a non-perchlorate impacted portion of the groundwater basin, or install wellhead treatment at the well site in order to treat the water to non-detect levels, which has been successfully accomplished by Valencia Water Company at another well site (Well Q2). Nonetheless, it is important to emphasize that Well 201 was taken out of service in August 2010, and has not been returned to municipal supply service since that time. Before either remediation option takes place, Valencia Water Company has committed to working with CLWA and the regulatory agencies (*e.g.*, Department of Public Health, or DPH) before implementation of either remediation option. This includes an ongoing effort by the Valencia Water Company and CLWA to update the existing groundwater modeling to assist in addressing questions from the regulatory agencies.⁴

The Well 201 capacity also is not included in the active groundwater sources listed in the 2010 Urban Water Management Plan (UWMP),⁵ and its capacity will not be "counted" in water supply calculations until it is remediated. The recently adopted 2010 UWMP also finds that there are sufficient water supplies to meet the Santa Clarita Valley's existing and planned water demand through 2050 -- without taking into account the capacity from the inactivated Well 201.

⁴ Pers. Comm. Keith Abercrombie, General Manager, Valencia Water Company, September 30, 2011.

⁵ For a copy of the 2010 UWMP, please see the Landmark Village Final EIR (September 2011), **Appendix F4.10**.

In response to SCOPE's claims surrounding Valencia Water Company's detection of perchlorate in Well 201, the County provided responses based on the Landmark Village Final EIR, **Section 4.10, Water Service**, and **Updated Topical Response 1: Perchlorate Treatment Update**.

In summary, in August 2010, perchlorate was detected at Well 201 at levels *below* the regulatory standard (i.e., level of 5 ppb was detected and the standard is 6 ppb). The Valencia Water Company, owner and operator of Well 201, immediately took the well out of service and notified the state DPH, of the detection. The DPH directed Valencia Water Company to perform *quarterly* testing at the inactive well to track perchlorate levels. The Valencia Water Company has voluntarily elected to perform *monthly* testing.

By April 2011, the Valencia Water Company had gathered sufficient data to conclude that: (i) the perchlorate levels at Well 201 were above the adopted maximum contaminant level (MCL) on a regular basis; and (ii) remediation would be required. The Valencia Water Company notified CLWA, the other water purveyors, the County,⁶ the City, and others that the well was impacted by perchlorate at levels over the regulatory standard. The Valencia Water Company also requested that Well 201's supply be excluded from the 2010 UWMP supply calculations until the well is fully remediated. The Valencia Water Company took this action to ensure that the 2010 UWMP would adequately address the impacted well.

Next, SCOPE states that the perchlorate detected at Well 201 means that CLWA's "pump and treat" program is not effective. Based on information presented in the Landmark Village Final EIR, **Updated Topical Response 1**, and the 2010 UWMP, Appendix I, the County does not concur with SCOPE's claim.

In summary, CLWA's "pump and treat" program has been endorsed by DPH, and has been successful in containing the spread of perchlorate in the basin. The detection of perchlorate in Well 201 is attributable to the length of time it took to get the "pump and treat" program up and running, not to the effectiveness of the program.

Before issuing a permit to a water utility for use of an impaired source as part of the utility's overall water supply permit, DPH requires that studies and engineering work be performed to demonstrate that pumping the well and treating the water will be protective of public health for users of the water. The DPH approved the return to service of the previously closed Saugus 1 and Saugus 2 wells, and specifically approved the Final Interim Remedial Action Plan for the containment and extraction of perchlorate in January 2006. Therefore, DPH determined that the local water agencies devised a

⁶ For a copy of the letter from Valencia Water Company to the County, please see the Landmark Village Final EIR (September 2011), **Appendix F4.10**.

treatment approach that adequately contains the perchlorate contamination and is protective of public health; otherwise, DPH would not have authorized and permitted the Saugus 1 and 2 "pump and treat" program.

The DPH endorsement of CLWA's "pump and treat" program is consistent with multiple technical reports referenced in the EIR and 2010 UWMP that have determined that the pumping rates at the restored Saugus wells are sufficient to prevent further migration of perchlorate in the Saugus Formation groundwater.

According to the 2010 UWMP, the primary reason for the recent detection of perchlorate in Well 201 is the length of time it took between the initial detection of perchlorate in the basin in 1997 and actual implementation of the "pump and treat" containment program in 2010. As reported in the 2010 UWMP, Appendix I, the combination of litigation, settlement, permitting, and construction constrained actual implementation of the containment program until 2010, *six years after* the impact of the containment program on perchlorate migration in groundwater was analyzed. That time, combined with the preceding seven years since perchlorate first impacted water supply wells, resulted in a greater risk of downgradient migration of perchlorate in the Saugus Formation, and is considered the primary reason for the recent detection of perchlorate in Well 201.

Responsive to SCOPE's call for additional testing, on August 4, 2011, the DPH sent letters to both Valencia Water Company and Newhall County Water District requesting that the local water agencies increase perchlorate monitoring from annually to quarterly at specified wells. The County has confirmed that both water agencies will conduct the perchlorate monitoring quarterly as requested by the DPH; therefore, adequate oversight from the appropriate regulatory agency, DPH, is in place.

As to SCOPE's modeling comments, it should be noted that Well 201 has been taken out of service, and is not a supply relied upon in either the Landmark Village Final EIR, **Section 4.10, Water Service**, or the recently adopted 2010 UWMP. As such, Well 201 is not currently in operation or being pumped; and, therefore, it is not causing perchlorate to "spread" as claimed in SCOPE's letter, page 4, fourth paragraph. As to requests by DPH for modeling, the modeling would not be needed, unless and until Valencia Water Company were to place Well 201 back into service as a municipal supply source with wellhead treatment installed. Under such circumstances, Valencia Water Company would coordinate its efforts with CLWA and the regulatory agencies in the event additional modeling were needed in the future.⁷

⁷ Pers. Comm. Keith Abercrombie, General Manager, Valencia Water Company, September 30, 2011.

Based on the information presented in the Landmark Village Final EIR, **Section 4.10, Water Service**, and **Updated Topical Response 1: Perchlorate Treatment Update**, an adequate supply of existing and planned water exists to meet the needs of Santa Clarita Valley residents now and in the future, despite the loss in capacity due to the perchlorate-impacted wells.

In summary, two of the originally-impacted Saugus wells, Saugus 1 and 2, were placed back in service in January 2011, restoring approximately 3,544 acre-feet (af) of water supply in a normal year. (2010 UWMP, Table 3-9.) The contaminated Stadium Well and VWC Well 157 have been replaced and the pumping capacity lost due to that contamination has been restored with two new replacement wells in non-impacted portions of the basin.

Based on this information, the conclusions reached in the Landmark Village Final EIR that groundwater from existing and replacement wells is available to assist in meeting the current and projected water demands for the Santa Clarita Valley, including Landmark Village, is reasonable and supported by the evidence.

In addition, SCOPE's reliance on the 2004 Court of Appeal decision is not applicable. First, neither the applicant nor the County is responsible for the ongoing efforts to remediate perchlorate in the groundwater basin. This clean-up effort remains with CLWA, the retail suppliers, and the regulatory agencies providing oversight.

Second, as evidenced in **Updated Topical Response 1: Perchlorate Treatment Update**, substantial progress has been made in responding to the detection of perchlorate, and substantial facilities needed for remediation/treatment are in place and actively monitored by CLWA, the local retail suppliers, and several regulatory agencies, which was not necessarily the case in the early 2000 era.

Third, there is a timeline for remediation (replacement or wellhead treatment) of Valencia Water Company's Well 201. The Valencia Water Company plans to actively seek remediation (replacement or wellhead treatment) under the Whittaker-Bermite perchlorate litigation settlement agreement and rapidly restore the impacted well capacity. Given Valencia Water Company's experience of: (1) bringing its Well Q2 back into production; (2) actions under the DPH 97-005 Policy Memo; (3) participating in bringing treatment facilities on line for the Saugus 1 and Saugus 2 wells; and (4) replacing capacity for its Well 157, Valencia Water Company has determined that it could either install wellhead treatment to bring the well back into service or replace the capacity with a new well within two years. As explained above, this time estimate is conservative because of Valencia Water Company's prior success in 2005 in restoring Well Q2 to municipal-supply service within an approximate six-month time period. As explained, there also are

now funds in place to remediate Well 201 upon the permitting and installation of wellhead treatment or replacement of Well 201's capacity with a new replacement well.

Fourth, from a regional perspective, CLWA and the local retail suppliers have evaluated the perchlorate impact upon the groundwater basin, and continue to monitor perchlorate in the basin, with the assistance of the regulatory agencies (e.g., DPH, DTSC). For a detailed discussion of that regional effort, please see the recently adopted 2010 UWMP, Appendix I, which is found in the Landmark Village Final EIR (September 2011), **Appendix F4.10**.

Lastly, there is no reason to defer or delay consideration of the Landmark Village project. The source of the potable water to serve the Landmark Village project is from the Alluvial aquifer groundwater basin, located approximately four miles from the former Whittaker-Bermite facility. The wells in that area have been routinely tested for perchlorate and the laboratory testing shows non-detect for perchlorate. This information, including the testing data, is contained in the Landmark Village Recirculated Draft EIR (January 2010), **Appendix 4.10** (Results of Laboratory Testing of Valencia Water Company Wells); and the Landmark Village Final EIR (September 2011), and **Appendix F4.10** (Valencia Water Company Well E15 Water Quality Compliance Monitoring Results - 2006 to 2009).

Response to Chloride Comments

In the letter, pages 5-9, SCOPE claims that there is a failure to address compliance with the chloride Total Maximum Daily Load (TMDL), referencing the interim treatment of wastewater from the first 6,000 units within Newhall Ranch at the existing Valencia Water Reclamation Plant (WRP). SCOPE asserts that such interim use was not contemplated in the Newhall Ranch Specific Plan, nor the certified EIR for that project. SCOPE also claims that the applicant "no longer intends" to build the Newhall Ranch WRP. Further, SCOPE claims that the 2002 Interconnection Agreement was not disclosed. SCOPE claims that the Regional Water Quality Control Board, Los Angeles Region (RWQCB) has issued administrative notices of violation to the Santa Clarita Valley Sanitation District (SCVSD) for the Saugus and Valencia WRPs for not complying with the chloride TMDL.

In response, each of SCOPE's claims is addressed in the Landmark Village Final EIR, **Section 4.3, Water Quality, New Topical Response 12: Revised Project Design**, and **New Topical Response 13: Chloride**. In summary, there is no conflict between the Landmark Village project's interim use of the Valencia WRP and the approved Newhall Ranch Specific Plan. The Newhall Ranch environmental documentation (1999 and 2003) evaluated the environmental impacts related to development of the Newhall Ranch Specific Plan, including constructing the Newhall Ranch WRP at a project level, and implementing the new sewerage facilities to serve the Specific Plan at a programmatic level.

The project-level EIR for Landmark Village has been completed. The Landmark Village project-level EIR correctly disclosed that the environmental effects of constructing and operating the Newhall Ranch WRP at build-out were thoroughly evaluated in the prior 1999/2003 Newhall Ranch Specific Plan environmental documentation. The project-level EIR also identified options to treat wastewater generated by the Landmark Village project during an interim period until the first phase of the Newhall Ranch WRP is constructed. Specifically, the EIR identified an option to construct a pump station at the Landmark Village project site where wastewater would be pumped back to the existing Valencia WRP until construction of the Newhall Ranch WRP.

This option is consistent with the Interconnection Agreement that Newhall and Sanitation District Nos. 26 and 32 (later consolidated as Santa Clarita Valley Sanitation District or SCVSD) entered into on January 9, 2002.⁸ The Interconnection Agreement sets conditions under which the first 6,000 dwelling units within the Specific Plan area may temporarily discharge wastewater (up to 1.6 mgd) to SCVSD's Valencia WRP. Newhall remains obligated to fund and construct the Newhall Ranch WRP for ultimate build-out of the Specific Plan. However, practical, technical, and economic reasons support the phasing for wastewater treatment, in coordination with the SCVSD.

Also, SCVSD approved the 2002 Interconnection Agreement in duly noticed public meetings, and it has been referenced in subsequent official documents, including Los Angeles County and LAFCO resolutions supporting formation of the new Newhall Ranch Sanitation District (NRSB). Most recently, the County Board of Supervisors considered the January 18, 2011 Department of Public Works (DPW) staff report and resolution confirming formation of the Newhall Ranch Sanitation District, and adopted that resolution. In doing so, the Board of Supervisors found that formation of the NRSB was within the scope of the previously certified 1999/2003 Newhall Ranch EIR, as well as the Addendum certified by the Board on December 13, 2005. The Board specifically referenced the Interconnection Agreement as allowing wastewater for up to 6,000 dwelling units to be treated at the existing Valencia WRP as needed. In addition, an earlier December 1, 2005, staff report prepared by DPW to the Board concerning formation of the Newhall Ranch Sanitation District, pages 3-4, refers to the District entering into the Interconnection Agreement with Newhall to coordinate wastewater management facilities at Newhall Ranch and adjacent facilities. The 2005 staff report also specifically referred to the Agreement allowing up to 6,000 capacity units to be treated at existing District wastewater treatment facilities, as needed, and finding further that the District has sufficient capacity to accommodate the use of its facilities. (Both the January 18, 2011, and the December 1, 2005, DPW staff reports are incorporated by reference and available for public review and inspection upon request to the County's Department of Regional Planning.)

⁸ For a copy of the 2002 Interconnection Agreement, please see the Landmark Village Final EIR (September 2011), **Appendix F4.11**.

In addition, temporary use of the Valencia WRP to treat Landmark Village wastewater does not eliminate the requirement for Newhall or its designee to construct the Newhall Ranch WRP or to finance the new sewerage system within the Specific Plan area. Per the 2002 Interconnection Agreement with the Santa Clarita Valley Sanitation District, Newhall must construct the Newhall Ranch WRP and have it operational before construction of the 6,000th dwelling unit on Newhall Ranch. Temporary treatment of the Landmark Village wastewater at Valencia WRP is a practical engineering decision based on the need to build up an adequate steady flow of wastewater before starting up the Newhall Ranch WRP.

SCOPE's comments point out that on May 27, 2011, the Los Angeles RWQCB issued administrative notices of violation to SCVSD regarding the Valencia and Saugus WRPs. On June 27, 2011, the SCVSD responded to the RWQCB and recommended to its Board of Directors that staff prepare a Wastewater Facilities Plan and EIR for facilities to comply with a final effluent chloride limit of 100 mg/L at the point of discharge and begin design of the facilities. On July 26, 2011, the SCVSD Board of Directors *approved* the staff recommendation. The SCVSD estimates that it will complete the Wastewater Facilities Plan and EIR by December 31, 2012.

As part of the Wastewater Facilities Plan and EIR, SCVSD intends to address an alternative compliance approach that responds to changed chloride conditions as of 2011, which would fully protect all designated beneficial uses in the Santa Clara River watershed. The SCVSD believes that changed conditions will show that it is more environmentally and economically sound to implement an alternative compliance approach, rather than an advanced treatment approach, in meeting a 100 mg/L final effluent limit. As part of this effort, the SCVSD also intends to perform the modeling and scientific and technical studies necessary to demonstrate the adequacy of its alternative compliance approach and to request reopening of the chloride TMDL at a later time based on the modeling in those studies.

Contrary to SCOPE's arguments, the interim use of the Valencia WRP to treat the wastewater from the first 6,000 dwelling units in Newhall Ranch (including Landmark Village) will not increase chloride levels in the Santa Clara River, nor make it more difficult for the Santa Clarita Valley Sanitation District to comply with the adopted chloride TMDL. According to the Santa Clarita Valley Sanitation District, the cost and environmental effects of the Valencia WRP's temporary treatment of wastewater generated by the first 6,000 dwelling units constructed within the Specific Plan were addressed by the Districts in its detailed memorandum to the Board of Supervisors, dated March 8, 2011 (see Landmark Village Final EIR, **Appendix F4.11**). As provided in that memorandum, the Newhall Ranch wastewater would neither add to nor alleviate the Santa Clarita Valley Sanitation District's financial burden to comply with the chloride TMDL.

Also, as stated in the District's March 8, 2011 memorandum, the temporary use of the Valencia WRP for treatment of Newhall Ranch wastewater does not eliminate the Specific Plan requirement for Newhall to construct the Newhall Ranch WRP and to finance the new sewerage system within the Specific Plan. According to the memorandum, Newhall must construct the Newhall Ranch WRP per the Specific Plan, and must have it operating properly before the next phase after Landmark Village/Mission Village (up to 6,000 units).

In addition, the Landmark Village project has been shown to produce wastewater chloride concentrations *similar* to those in the existing SCVSD service area. In addition, the Landmark Village project will not use SWP water, but will be supplied with local groundwater from the Alluvial aquifer with an average chloride concentration of 82 mg/L (concentrations ranging from 74 to 96 mg/L have been measured in E Wells, *similar* to the chloride concentrations in Santa Clarita Valley water supplies from 2002 to 2010).

Thus, the interim discharge of wastewater from the Valencia WRP due to the Landmark Village project's wastewater would have a less-than-significant impact on chloride in the Santa Clara River, because: (a) the discharge of wastewater from the Valencia WRP has been shown to be similar as between the Landmark Village project's wastewater and the wastewater from existing Santa Clarita Valley communities; (b) the use of the Valencia WRP for treatment of the Newhall Ranch wastewater (*i.e.*, first 6,000 units) would be temporary until construction of the Newhall Ranch WRP; and (c) the Valencia WRP has sufficient capacity to accommodate the interim wastewater discharge from the first 6,000 units from Newhall Ranch.

Lastly, to confirm full and complete compliance with the chloride TMDL, the project applicant (Newhall) has identified interim chloride reduction treatment at the Valencia WRP. This involves chloride treatment of the effluent amount originating from Newhall Ranch (up to 6,000 units) at the Valencia WRP during the operation period of the 2002 Interconnection Agreement. (For further information, please refer to the Landmark Village Final EIR (September 2011), **New Topical Response 12: Revised Project Design.**)

The result is that the Project effluent discharged to the Santa Clara River through the permitted Valencia WRP outfall would result in discharge equivalent to 100 mg/L chloride (or other applicable standard), which is the chloride effluent treatment standard under the Newhall Ranch WRP NPDES permit. This additional treatment process would remove chloride from the Newhall Ranch effluent at the Valencia WRP, so that the interim chloride reduction would be equivalent to that of the Newhall Ranch WRP under the Newhall Ranch WRP Permit (100 mg/L).

Response to Brine Comments

In the letter, page 9, last paragraph, SCOPE refers to Newhall's planned use of well sites to dispose of brine (a by-product of the reverse osmosis [RO] treatment process from the Newhall Ranch WRP and Newhall's chloride reduction treatment plan). SCOPE limits its comment to the fact that the brine disposal process is "an expensive proposition" that should not be "foisted" onto local taxpayers.

In response, the disposal of brine generated by the Newhall Ranch WRP RO treatment process and/or Newhall's chloride reduction plan is under the jurisdiction of agencies other than Los Angeles County. Notwithstanding, the following responsive information is provided.

In summary, Newhall has submitted to the U.S. Environmental Protection Agency (USEPA) the "USEPA Class I Injection Well Application," prepared by Luhdorff and Scalmanini Consulting Engineers, revised June 30, 2011. This permit application is incorporated by reference and available for public review and inspection upon request to the County's Department of Regional Planning.

As part of a separate permit process with USEPA, Newhall is proposing the disposal of brine concentrate by deep well injection. Injection will occur at depths ranging between 3,500 to 9,500 feet, well below the lowermost underground source of drinking water (USDW). An application has been submitted to secure a Class I non-hazardous injection well permit from USEPA's Underground Injection Control (UIC) program. The application analyzed the feasibility of injection by identifying the extent of the USDW, the injection and confining zones, and calculated the anticipated injection life. The revised application also demonstrated that the proposed injection will not impact the USDW.

Summary of Brine Disposal Process

Brine, a by-product, would be injected into abandoned oil wells, which may include the unproductive eastern edge of the Del Valle oil field and the abandoned Castaic Junction oil field. The maximum estimated volume of brine to be injected is 0.5 mgd for approximately five months per year.

Groundwater used for municipal, industrial, and agricultural purposes is obtained from the Quaternary Alluvium and the Pleistocene Saugus Formation. The Alluvium is a shallow aquifer present along drainages, such as the Santa Clara River and associated tributaries. The Saugus Formation lies below the Alluvium and is present at the very eastern edge of the Del Valle oil field and thickens to the east. The Alluvium and Saugus aquifers comprise the USDW in the project area. Water wells within the project area are located adjacent to the Santa Clara River (Final EIR, **Appendix F4.8**, General Geologic Map, Exhibit 5) and vary in depth from approximately 135 to 800 feet below ground surface. Most of the water wells were completed in the interval from approximately 50 to 240 feet below ground surface.

Beneath the Alluvium and Saugus Formation lies the Pico Formation. The Upper Pico is the confining zone and consists of low permeability clay, shale, and siltstone at depths ranging from 3,000 to 3,500 feet. The confining zone of the Upper Pico Formation provides an effective barrier to vertical migration of injected fluids into the upper Alluvium and Saugus Formation, and protects the USDW from injected fluids.

Injection Zone

The potential injection zones, the Pliocene Pico and the Miocene Modelo formations, have produced oil and gas and have proven injection potential associated with the oil field operation in the Del Valle, Castaic Junction, and surrounding oil fields. The potential injection zone depths range from 3,500 feet to 9,500 feet, well *below* the confining zone and USDW. The application described the geological evaluation that identified the injection zones and demonstrated that injection into these zones is both feasible and would not impact USDW. Newhall is solely responsible for the costs associated with both the permitting process with USEPA and the operation of the brine disposal process. Those costs cannot, and will not, be passed on to the taxpayers.

Response to DMS Comments

In the letter, page 10, SCOPE repeats prior claims made in connection with the Landmark Village Draft EIR (November 2006). The comment states that there has been a “failure to comply with the Los Angeles County Development Monitoring System (DMS).” There has been no failure to comply with the County’s DMS. For responsive information, the County refers to the Landmark Village Final EIR (November 2007), **Responses 4 through 16** to the letter from SCOPE, dated February 16, 2007 (Letter D24).

In addition, the County refers to the Landmark Village Recirculated Draft EIR (January 2010), **Section 3.0, Cumulative Impact Analysis Methodology**, wherein the EIR provides that some of the environmental analysis sections of the EIR present two separate cumulative development scenarios, one of which is the “DMS Build-Out Scenario.” (Id., **Section 3.0**, p. 3.0-2.) A footnote explanation of the County’s DMS also is provided in **Section 3.0**, page 3.0-2. In that footnote, readers also are referred to the Newhall Ranch Specific Plan Program EIR (SCH No. 1995011015; March 1999), Section 2.0, Environmental and Regulatory Setting, pp. 2-18 through 2-19.

The Landmark Village Recirculated Draft EIR, **Section 3.0**, p. 3.0-2, identified the environmental impact analysis areas, which included a DMS assessment. Those areas were water service, wastewater disposal, education, fire, traffic, and library services. (Id.) Further, the Landmark Village Recirculated Draft EIR, **Section 3.0**, pp. 3.0-2 through 3.0-5, provides further discussion of the County’s DMS under **Subsection a., DMS Build-Out Scenario**.

In the letter, page 10, last paragraph, SCOPE claims that the DMS data is no longer accurate; however, the Landmark Village Recirculated Draft EIR utilized the best DMS data available at the time the document was prepared. Nor does SCOPE offer any evidence supporting the inference that there has been considerable “growth” in the Santa Clarita Valley since 2004, which would render the best available DMS data inaccurate or outdated.

In the letter, page 11, SCOPE claims that there is “no analysis” of whether there is sufficient sewer treatment capacity for the Valencia WRP to temporarily treat the wastewater for the first 6,000 units within Newhall Ranch until the Newhall Ranch WRP is constructed. This claim is not correct. According to the Santa Clarita Valley Sanitation District, there is sufficient sewer treatment capacity to temporarily treat the wastewater from the first 6,000 units within Newhall Ranch. This statement is supported by the information presented in the Landmark Village Final EIR (September 2011), **New Topical Response 12: Revised Project Design**; and **New Topical Response 13: Chloride**. Further support is provided in the Districts’ memorandum to the Board of Supervisors, dated March 8, 2011 (see Landmark Village Final EIR, **Appendix F4.11**).

**Santa Clarita Organization for Planning and the Environment Letter Attachments, dated September
22, 2011**

October 28, 2009

NOV - 2

Mr. Mitch Glaser
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012



Re: Castaic Lake Water Agency Comments on the One Valley One Vision, Draft Environmental Impact Report

Dear Mr. Glaser:

The Castaic Lake Water Agency (CLWA) is the provider of imported water to the Santa Clarita Valley. The CLWA service area covers the proposed project area and the determination of water demand and availability for the area is addressed in the 2005 Santa Clarita Valley Urban Water Management Plan prepared by CLWA and the local water retailers. As such, CLWA has an interest in Valley water issues and submits this letter in response to the Draft Environmental Impact Report (DEIR).

The proposed project is an update of the County of Los Angeles Santa Clarita Valley Area Plan, a component of the One Valley One Vision (OVOV), a joint planning effort with the City of Santa Clarita. The DEIR analyzes the impacts from the proposed plan updates, including those anticipated impacts in the Water Service category. The Water Service analysis in the DEIR emphasizes water use over the next twenty years (through 2030) in the Santa Clarita Valley. The analysis states the proposed buildout of the OVOV Planning Area would generate a total water demand of 125,400 acre-feet per year (afy) in 2030 (normal hydrology) with ten percent water conservation. Based on the information presented the DEIR, it also includes a conclusion that an adequate supply of water would be available to serve the OVOV Planning Area at its proposed buildout population of 443,000.

CLWA is supportive of the efforts to update the plans and submits the following comments on the Water Service Section (Section 3-13) of the DEIR and its supporting documentation:

Water Resources

1. The analysis in the Water Resources Section does not incorporate the water supply impacts of recently issued regulatory actions affecting imported water supply. As a result, the conclusion that there is a less-than-significant impact may be premature. CLWA's State Water Project supplies have been affected by a pair of Biological Opinions (BOs) issued by regulatory agencies to comply with the federal Endangered Species Act.

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"A PUBLIC AGENCY PROVIDING RELIABLE, QUALITY WATER AT A REASONABLE COST TO THE SANTA CLARITA VALLEY"

These BOs restrict flow rates on various watercourses that convey water to the State Water Project (SWP) export facilities in the Delta, resulting in additional restrictions on SWP pumping.

Although the restrictions on SWP exports from the Delta that are included in the BOs are currently in effect, the California Department of Water Resources (DWR) has not issued formal guidance regarding how these BOs will affect the reliability of SWP supplies. Such guidance would normally be forthcoming in an update to DWR's 2007 State Water Project Delivery Reliability Report (Reliability Report). Pending a revision of the Reliability Report by DWR, there is uncertainty in regards to the SWP Table A supply amounts in the various hydrology scenarios used to determine overall water supply adequacy. The quantities used in the DEIR for SWP supplies, while correct at the time they were generated, need to be updated to reflect the most recent actions by the courts and regulatory agencies.

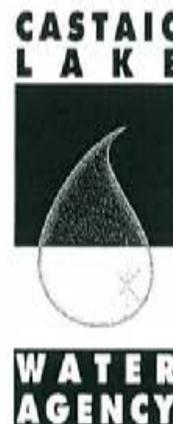
Therefore, the use of that data as part of the DEIR analysis to conclude that there are adequate supplies to support the buildout of the OVOV should not be used and conclusions should be drawn from a future estimate of overall water supplies prepared using an updated Reliability Report for the SWP supply component. The updated Reliability Report is anticipated by yearend 2009. Once it is available, CLWA will need some time to evaluate the changes to supply, and will then submit those adjusted supply figures to the Regional Planning staff.

2. The Agency letter to the City and County (page 3.13-62) cited as supporting documentation, is outdated as it was written prior to the issuance of the two recent BOs described above and has been superseded by more recent regulatory actions and judicial decisions affecting SWP water supplies. Accordingly, the Agency and the local retailers will be submitting an updated letter to the County Regional Planning Department and the City of Santa Clarita shortly.
3. The DEIR does not fully explain and document the water supply demand factors used to determine the total required supply at the time of buildout of the OVOV Plan. Additionally, the DEIR should state which sources were used to determine the factors and all of the assumptions used in the demand calculation. Determination of the expected impacts of the project is problematic without a sufficiently described methodology for anticipated water demand being available for review.
4. The court case of California Water Impact Network vs. CLWA over the water acquisition from the Buena Vista Water District/Rosedale Rio-Bravo Water District (page 3.13-15) has been resolved. On April 20, 2009, the Second District Court of Appeal issued an unpublished opinion affirming the judgment denying the mandate petition (Case No.B205622).

October 28, 2009

NOV - 2

Mr. Mitch Glaser
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012



Re: Castaic Lake Water Agency Comments on the One Valley One Vision, Draft Environmental Impact Report

Dear Mr. Glaser:

The Castaic Lake Water Agency (CLWA) is the provider of imported water to the Santa Clarita Valley. The CLWA service area covers the proposed project area and the determination of water demand and availability for the area is addressed in the 2005 Santa Clarita Valley Urban Water Management Plan prepared by CLWA and the local water retailers. As such, CLWA has an interest in Valley water issues and submits this letter in response to the Draft Environmental Impact Report (DEIR).

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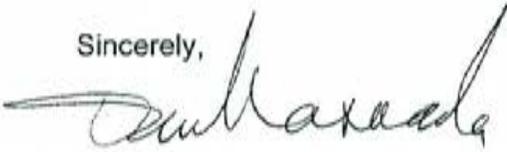
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5. The DEIR states that the Nickel water is "readily available. The document should state that though the Nickel water does constitute a source of supply, its delivery is contingent on execution of agreements with CLWA and, through CLWA, with DWR.
6. The DEIR lists the Agency's imported supplies as consisting solely of State Water Project (SWP) water (page 3.13-51) when, in fact, there are other sources of imported water that comprise the Agency's supply portfolio. These non-SWP waters include Yuba Accord water and the water acquisition from the Buena Vista and Rosedale Rio-Bravo Water Storage Districts.
7. The information related to perchlorate remediation should be updated to reflect that the start-up and monitoring of the perchlorate treatment facility will begin in November 2009 (page 3.13-101).

CLWA appreciates the efforts of the County and the City on the plan update and the DEIR and looks forward to your responses to our comments. If you have any questions, please contact Jeff Ford, Water Resources Planner, at (661) 513-1281, or by e-mail at jford@clwa.org.

Sincerely,



Dan Masnada
General Manager

cc: Russ Behrens, McCormack, Kidman and Behrens
Steve Cole, Newhall County Water District
Robert DiPrimio, Valencia Water Company
Mauricio Guardado, Santa Clarita Water Company
David Rydman, LA County Waterworks District #36
Jason Smisko, Senior Planner, City of Santa Clarita



FOR IMMEDIATE RELEASE
June 9, 2011

PERCHLORATE DETECTED DURING ROUTINE TESTING
*Well Removed from Service Pending Treatment Covered By
Whittaker Bermite Settlement Agreement*

Valencia Water Company has notified the Whittaker Bermite property owners that it will seek remediation funds to clean up a closed well near Santa Clarita City Hall following routine water quality testing that detected low levels of perchlorate. The remediation funds are being sought under a 2007 settlement agreement among Castaic Lake Water Agency (CLWA), Newhall County Water District, Santa Clarita Water Division and Valencia Water Company and Whittaker Corporation and others to address clean-up of impacted wells from the former munitions site.

In August 2010, Valencia Water Company detected perchlorate in Well 201 near City Hall. Although the perchlorate levels were within safe drinking water standards, the company immediately took the well out of service and notified the State Department of Public Health. Valencia Water Company continued to monitor the inactive well on a monthly basis. The most recent sample confirmed that perchlorate is still present and that wellhead treatment is needed as outlined by the settlement agreement with Whittaker Bermite.

"Our diligence in conducting extensive testing enabled us to quickly shut down the well and continue to provide safe water to our customers," said Keith Abercrombie, General Manager for Valencia Water Company. "The removal of this well from service will not have any near-term or long-term impacts on the quality or cost of water to our customers. To the extent it is even necessary, we will shift production to other wells elsewhere in the groundwater basin."

CLWA General Manager Dan Masnada said, "The closing of this well will not impact the Santa Clarita Valley Family of Water Suppliers' ability to adequately provide water to our customers and will not have a negative impact on the Valley's water supply. CLWA and the water retailers continue to ensure that all drinking water quality standards are met and long-term solutions are put in place to address the presence of perchlorate in small portions of the Valley's groundwater aquifers.

"In addition, a pending update of the 2010 Santa Clarita Valley Urban Water Management Plan will examine the presence of perchlorate in Well 201," Masnada said.

Valencia Water Company works cooperatively with and as a member of the Santa Clarita Valley Family of Water Suppliers to provide customers a mix of groundwater pumped from area wells and imported state water. In April 2007, the local water suppliers and the Whittaker Bermite

-more-

property owners negotiated a settlement, which establishes funding to address the clean-up of perchlorate from the former munitions site.

Last year, a \$13 million treatment facility near Bouquet Canyon Road and the Santa Clara River came on line to treat perchlorate in groundwater emanating from the Whittaker Bermite property. That treatment facility is part of a larger program that includes the restoration of two perchlorate-impacted wells to extract contaminated groundwater and control the migration of perchlorate in the Saugus Formation aquifer. The cost of that "pump and treat" system is also covered under the settlement agreement that protects the public from paying for the remediation costs.

As part of the settlement, several wells were identified as potentially threatened by perchlorate, including Well 201. Thus, while the now-operational pump and treatment program is intended to control migration of perchlorate, the possibility of further contamination in the direction of groundwater flow was recognized before its installation, and provisions were incorporated in the program to treat any additional wells impacted by perchlorate. Initial operation of the pump and treatment remediation is functioning as planned, and is still applicable for both of its objectives -- to control contaminant migration near the source and to extract perchlorate from the aquifer system. In short, the detection of perchlorate at Well 201 does not reflect any change in the anticipated long-term effectiveness of the containment and treatment remedy.

Prior impacted wells included Q2, a Valencia Water Company well that underwent successful wellhead treatment in 2005 utilizing the same treatment technology contemplated for Well 201, and today has no perchlorate detection. Since 1997, seven wells in the Santa Clarita Valley, including this most recent one, have been impacted by perchlorate. Three of those wells have been successfully treated and returned to service, two have been replaced, one is planned to be replaced and this most recent well will have treatment installed.

Perchlorate is a regulated drinking water contaminant in California with a maximum contaminant level (mcl) of 6 parts per billion (ppb). The Valencia Water Company test in August 2010 was 5 ppb. During the last several months, readings have varied from 5 to 12 ppb in the most recent test.

Perchlorate is both a naturally occurring and man-made ion used to form a variety of salts. Perchlorate is primarily used today as an oxidizer in solid rocket fuel and other propellants and to a lesser extent, in fireworks, explosives and air-bag inflators. It is highly soluble in water and has been detected in ground and surface water in 26 states. It has also been detected in water supplies in close proximity to sites where solid rocket fuel was manufactured or used, such as the Whittaker Bermite site.

Valencia Water Company is a water provider to 113,000 residential, commercial, industrial and business customers in Valencia, Stevenson Ranch and portions of Saugus and Castaic.

Contact: Keith Abercrombie, General Manager, Valencia Water, (661) 295-6501
Dan Masnada, General Manager, CLWA, (661) 297-1600 Ext. 239

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CENTRAL DISTRICT OF CALIFORNIA
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BY

Attorneys for Plaintiffs and Counter-Defendants Castaic Lake Water Agency; Newhall County Water District; Santa Clarita Water Company; and Valencia Water Company

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

9 CASTAIC LAKE WATER AGENCY;
10 NEWHALL COUNTY WATER DISTRICT;
11 SANTA CLARITA WATER COMPANY;
12 and VALENCIA WATER COMPANY,

Plaintiffs,

vs.

13 WHITTAKER CORPORATION; SANTA
14 CLARITA LLC; REMEDIATION
15 FINANCIAL, INC.; and DOES 1-10,
16 Inclusive,

Defendants.

16 SANTA CLARITA, L.L.C.,

Counter-Claimant,

vs.

19 CASTAIC LAKE WATER AGENCY;
20 NEWHALL COUNTY WATER DISTRICT;
21 SANTA CLARITA WATER COMPANY;
22 and VALENCIA WATER COMPANY

Counter-Defendants.

22 WHITTAKER CORPORATION,

Counter-Claimant,

vs.

25 CASTAIC LAKE WATER AGENCY;
26 NEWHALL COUNTY WATER DISTRICT;
27 SANTA CLARITA WATER COMPANY;
28 and VALENCIA WATER COMPANY,

Counter-Defendants.

Case No.: 00-12613AHM(RZx)

**[PROPOSED] STIPULATED
CONFIDENTIALITY
PROTECTIVE ORDER AND
ORDER THEREON**

LOGGED

MAR - 1 AM 11:23
DISTRICT OF CALIFORNIA
LOS ANGELES

MAR - 6 2002

1 IT IS HEREBY STIPULATED by and between Plaintiffs Castaic Lake
2 Water Agency, Newhall County Water District, Santa Clarita Water Company, and
3 Valencia Water Company ("Plaintiffs"), and Defendants Whittaker Corporation, Santa
4 Clarita LLC, and Remediation Financial, Inc. ("Defendants") (referred to collectively as
5 the "Parties"), by and through their respective counsel of record, that the following
6 protective order shall be entered by the Court:

7 WHEREAS, Defendants wish to obtain certain documents regarding
8 Plaintiffs' wells in connection with the litigation of this action, and Plaintiffs desire to
9 protect the confidentiality of documents and information to be produced and/or disclosed
10 in this action which it considers confidential, proprietary, and trade secret material, the
11 Parties hereby enter into this Stipulation for Protective Order and Order Thereon (the
12 "Order") such that, until the Order is amended or superseded, the Parties to the Order and
13 all non-party witnesses shall follow the procedures set forth below with respect to certain
14 confidential documents, information, or testimony produced or disclosed by Plaintiffs in
15 this action.

16 1. "Confidential Information" for purposes of this Order means any
17 documents or information regarding the digging, construction, design, or maintenance of
18 Plaintiffs' wells, well driller logs, information or documents regarding the depth of the
19 wells and/or perforated/screened intervals for the wells, information or documents
20 regarding testing and analysis of Plaintiffs' wells and the aquifers from which they draw
21 water, and aquifer tests associated with the wells, which Plaintiffs believe in good faith
22 contains confidential proprietary information, trade secret materials as defined in
23 California Civil Code Sections 3426.1, and/or information or documents which is
24 confidential under California Water Code Section 13752.

25 2. Plaintiffs may designate any documents or information concerning its
26 wells which they produce or disclose as "Confidential" if they believe in good faith that
27 the documents or information constitutes "Confidential Information" as defined above.
28 Documents designated by Plaintiffs as confidential shall be marked or stamped as

1 "Confidential." All documents or information designated by Plaintiffs as "Confidential"
2 shall be governed by this Order.

3 3. Plaintiffs agree to authorize any non-party public agencies upon
4 whom a subpoena has been served to voluntarily produce or disclose documents or
5 information containing Confidential Information which that non-party otherwise refuses
6 to produce or disclose in the absence of Plaintiffs' consent.

7 4. Within 7 days of the production or disclosure of documents or
8 information by a non-party government agency pursuant to a subpoena, Plaintiffs have
9 the right to designate any such documents or information as "Confidential and Highly
10 Sensitive." For these first 7 days after the production or disclosure of documents or
11 information by a non-party government agency pursuant to a subpoena, all documents or
12 information produced or disclosed by such non-parties pursuant to subpoena shall be
13 treated as containing "Confidential and Highly Sensitive" Information that is
14 "Confidential" pursuant to the terms of this Order. Counsel further agree that no
15 documents or information will be provided to their clients within the first 7 days of
16 production or if that document or information is designated as "Confidential and Highly
17 Sensitive". Counsel for any party has the right to challenge the designation of any
18 information or documents as "Confidential and Highly Sensitive". If the "Confidential
19 and Highly Sensitive" designation of any documents or information is challenged in
20 writing, the party making the designation will have 3 court days from receipt of said
21 writing to serve on all parties by fax or personal delivery its portion of the joint
22 stipulation re: motion for a protective order, including its statement of position and any
23 supporting declaration or exhibits, for the subject documents or information, or else the
24 subject documents or information will no longer be treated as "Confidential and Highly
25 Sensitive". Any responding party shall serve by personal delivery or fax its statement of
26 opposition to the motion and any supporting declarations and exhibits within three days
27 of receipt of the moving party's proposed statement. The moving party shall then serve
28 and file the motion and supporting joint statement within one court day of receipt of the

1 opposing party's statement and supporting documents. No supplemental memorandums
2 may be filed by the Parties, which hereby waive the right to file same under Local Rule
3 37. All Parties hereby also waive the required 21-day notice period, and any right to a
4 hearing or oral argument for any motion brought pursuant to this provision. All Parties
5 request that the Court decide any such motion solely on the basis of the Parties' joint
6 stipulation.

7 All such motions filed to designate documents or information as being
8 "Confidential" or "Confidential and Highly Sensitive" shall be set on the Court's regular
9 motion calendar, but shall state clearly that the motion is being brought pursuant to this
10 Stipulation and Order, and that the Parties respectfully request that the Court to consider
11 the motion on an expedited basis. Within 21 days of the production or disclosure of
12 documents or information by a non-party pursuant to subpoena, Plaintiffs may designate
13 as "Confidential" any documents or information produced or disclosed which contain
14 Confidential Information. Until the 21-day or 7-day periods have expired, all documents
15 or information produced or disclosed by non-parties pursuant to subpoena shall be treated
16 as containing Confidential and/or Confidential and Highly Sensitive Information,
17 respectively, subject to the terms of this Order.

18 5. For deposition testimony, Plaintiffs may designate testimony
19 disclosing or referring to Confidential Information as "Confidential" by stating on the
20 record during the deposition that testimony given at the deposition is being designated as
21 "Confidential" by Plaintiffs, or by designating the deposition transcript, or portions
22 thereof, as "Confidential" within 14 days after Plaintiffs' counsel receives the deposition
23 transcript. In addition, any exhibits to a deposition which were previously marked as
24 "Confidential," or which Plaintiffs designate as Confidential Information on the record at
25 the deposition or within 14 days after receiving the deposition transcript, shall be
26 considered Confidential Information subject to the terms of this Order. Until the 14 day
27 period has expired, the entire deposition transcript and any exhibits shall be treated as
28 containing Confidential Information subject to the provisions of this Order.

1 6. No person shall attend portions of the depositions in which
2 Confidential Information is disclosed or referred to unless such person is an authorized
3 recipient of Confidential Information under the terms of this Order. Any court reporter
4 who transcribes testimony in this action at a deposition shall agree, before transcribing
5 any such testimony, that all "Confidential" testimony and documents are and shall remain
6 confidential and shall not be disclosed except as provided in this Order; that copies of any
7 transcript, reporter's notes or any other transcription records of any such testimony, as
8 well as any "Confidential" exhibits, will be retained in absolute confidentiality and
9 safekeeping by such shorthand reporter until delivered to the Parties' attorneys of record
10 or filed under seal with the Court.

11 7. All Confidential Information (including deposition transcripts and
12 exhibits) shall be used by the parties exclusively for purposes of participating in this
13 litigation, and may not be used, disclosed, or made public for any other purpose or in
14 connection with any other litigation, absent authorization from Plaintiffs or pursuant to
15 Court Order. Under no circumstances shall Confidential Information be used for any
16 business, competitive, governmental, or non-litigation purpose or function.

17 8. The only persons authorized to receive Confidential Information
18 pursuant to this Order, subject to the limitations contained in Paragraphs 9 and 10 of this
19 Order, are:

20 (a) The Parties, the Parties' parent companies, and employees of
21 the Parties or the Parties' parent companies whose access to the Confidential
22 Information is reasonably necessary in connection with this litigation;

23 (b) The Parties' counsel and the employees of such counsel whose
24 access to the Confidential Information is reasonably necessary in connection with this
25 litigation;

26 (c) Persons or entities, including their associates, staff, and
27 employees retained by a party or by a party's counsel as expert witnesses or expert
28 consultants who have a reasonable need for access to the Confidential Information for

1 purposes of assisting the party in connection with this litigation;

2 (d) Witnesses in the course of depositions of this matter, as well as
3 court reporters transcribing any such testimony;

4 (e) The Court and Court employees;

5 (f) The authors or recipients of any documents designated as
6 "Confidential";

7 (g) Insurance carriers for the parties who issued one or more
8 policies that may provide coverage in this action or to whom a party has tendered a claim;
9 and

10 (h) Any other individual permitted by order of the Court or upon
11 Stipulation of all parties to this Order.

12 Persons authorized to receive Confidential Information under this Order
13 shall not disclose or divulge Confidential Information to any other person unless such
14 person is also so authorized under this Order and has signed a statement in the form of
15 Exhibit "A" hereto.

16 9. Each person given access to Confidential Information shall be
17 provided a copy of this Order, be advised that the information is being disclosed pursuant
18 and subject to this Order, and may not be disclosed to any other person, made public, or
19 used for any purpose outside of this litigation, except as provided in this Order.

20 10. Prior to the disclosure of any Confidential Information to any persons
21 referred to in Paragraph 8(a), 8(c), 8(d), 8(f), 8(g), and 8(h), such persons must be shown
22 this Order and shall sign an agreement in the form attached hereto as Exhibit A stating
23 that he or she has read and understands its terms and shall abide by them. A file shall be
24 maintained by the attorneys of record of all written agreements signed by persons to
25 whom Confidential Information has been given or disclosed, which file shall, upon order
26 of the Court, be available for inspection and copying by all other attorneys of record
27 herein.

28

1 11. If any of the Parties desire to give, show, make available or
2 communicate any information or documents which have been designated by Plaintiffs as
3 "Confidential" to any person who is not specifically authorized to have access to such
4 Confidential Information pursuant to this Order, said Party's attorney will disclose to
5 Plaintiffs' attorney the name of the person to whom disclosure of the document is sought.
6 The attorneys will then have ten days to negotiate the terms of disclosure to that person
7 and, if no agreement can be reached, the party who is seeking the disclosure to the
8 unauthorized person shall have 14 days to file a Motion with the Court allowing the
9 disclosure.

10 12. For applications and motions to the Court in which a party submits or
11 refers to Confidential Information, all documents containing or referring to Confidential
12 Information which are submitted to the Court shall be filed with the Court in sealed
13 envelopes or other appropriate sealed containers on which shall be endorsed the title of
14 this action, an indication of the nature of the contents of the sealed envelope or other
15 container, the identity of the Party filing the material, the word "CONFIDENTIAL" and a
16 statement substantially in the following form:

17 This envelope is sealed pursuant to order of the Court,
18 contains Confidential Information, and is not to be opened or
19 the contents revealed except by order of the Court.

20 The document shall indicate clearly which portions are designated to be "Confidential".

21 13. The Parties hereby request, and waive any objection to, an in camera
22 court hearing in the case of any proceeding where Confidential Information shall be
23 offered in evidence or otherwise referred to by any party.

24 14. Defendants shall not be required to challenge the propriety of
25 Plaintiffs' designation of documents or information as "Confidential" at the time that
26 designation is made, and a failure to do so shall not preclude a subsequent challenge to
27 such designation. If Defendants disagree with Plaintiffs' designation of documents or
28 information as "Confidential," all Parties shall meet and confer in an attempt to resolve
that issue within 10 Court days of a written request to do so by the challenging party. If

1 the Parties cannot reach an agreement, Plaintiffs must move the Court within 21 days of
2 the conclusion of the meet and confer for an Order regarding the continued application of
3 this Order to such documents or information. In connection with any such application,
4 Plaintiffs shall have the burden of establishing that the document or information is
5 entitled to protection pursuant to this Order. In connection with any ex parte or other
6 application made to the Magistrate or to the Court by any party pursuant to the terms of
7 this paragraph or any other portion of this stipulation and order, Defendants agree that the
8 challenged document or information will continue to be treated as "Confidential" and/or
9 "Confidential and Highly Sensitive" pursuant to this Order until such time as the Court
10 has ruled otherwise. The Parties may agree, in writing, to different times to perform the
11 items in this paragraph and/or to such times as modified upon application to the Court
12 upon a showing of good cause.

13 15. If at any time Confidential Information is subpoenaed or otherwise
14 requested by any person or entity purporting to have the legal authority to require the
15 production of such information, the person to whom the subpoena or request is directed
16 shall promptly, and in any event within two calendar days, provide Plaintiffs with written
17 notice thereof, via facsimile and overnight mail, which shall include a copy of the
18 subpoena or request (unless disclosing the subpoena or request is prohibited by law or
19 court order). After receipt of this notice, Plaintiffs shall have the responsibility to obtain
20 whatever order they deem necessary to prevent the disclosure of Confidential Information
21 covered by this Order. Upon the filing of a Motion to prevent or limit the disclosure of
22 Confidential Information sought (notice of which shall be provided to all parties to this
23 Order), the person to whom the subpoena or request is directed may otherwise respond to
24 the subpoena or request, but will not allow access to or disclose Confidential Information
25 until such time as the Court has ruled on the Motion, unless otherwise required by law to
26 make an earlier production or disclosure notwithstanding that Motion. If Plaintiffs do not
27 file a Motion to prevent the production or disclosure of the Confidential Information
28 sought within the time allowed for the production or disclosure pursuant to the subpoena

1 or request (or within such time as any court may direct or that is agreed upon between
2 Plaintiffs and the subpoenaing or requesting party), then this Order shall not prevent the
3 party to whom the subpoena or request is directed from responding to that request.

4 16. The terms of this Order shall apply to all manner and means of
5 discovery, including, but not limited to, inspection of books, records, documents, land,
6 and tangible things.

7 17. This Order shall be effective from the date executed by all counsel.

8 18. Within sixty (60) days of termination of this litigation, including any
9 appeal, the originals and all copies of all documents or information designated by
10 Plaintiffs as confidential shall be returned to the producing party or non-party, or shall be
11 certified as having been destroyed, provided, however, that each party may retain a
12 complete file of all litigation documents filed with the Court in this action.

13 19. The termination of proceedings in this action shall not thereafter
14 relieve parties from the duty of maintaining the confidentiality of all Confidential
15 Information which is received pursuant to this Order.

16 20. This Order is without prejudice to the right of any party to seek
17 modification by the Court of any of the terms of this Order, or to present to the Court any
18 matter which is the subject of this Order.

19 21. This Order does not preclude any party from opposing the production
20 of information or documents on grounds other than confidentiality, and neither this Order
21 nor the production of documents pursuant to this Order shall be deemed a waiver of any
22 applicable privileges, including attorney-client or attorney work-product privileges, nor
23 of any objection that may be raised as to the admissibility of information or documents at
24 trial.

25 22. Nothing in this Order shall prohibit the transmission or
26 communication of Confidential Information by hand delivery; face-to-face conference; in
27 sealed envelopes or container via the mails or an established freight, delivery or
28 messenger service; or by telephone, telegram, facsimile, e-mail or other electronic

1 transmission systems if under the circumstances, there is no reasonable likelihood that the
2 transmission will be intercepted and misused.

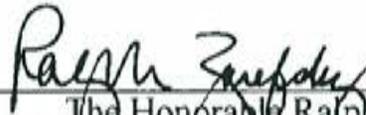
3 23. The terms of the Order shall survive the final determination of this
4 action and shall remain in full force and effect after the conclusion of all proceedings
5 herein, and the Court shall have continuing jurisdiction to enforce its terms.

6 24. This agreement may be signed in counterparts.

7 25. The terms of this agreement and order shall pertain to all discovery
8 matters in this action. Procedures governing the trial of the action shall remain within the
9 discretion of the trial court.

10 **APPROVED AND SO ORDERED.**

11
12 DATED: March 5, 2002

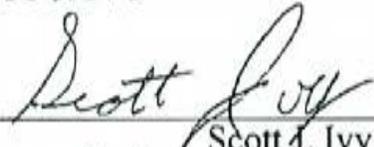
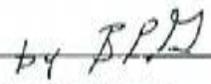


The Honorable Ralph Zarefsky
United States District Court Magistrate Judge

14 **APPROVED AS TO FORM AND CONTENT,
15 AND JOINTLY PRESENTED BY:**

16 DATED: _____, 2002.

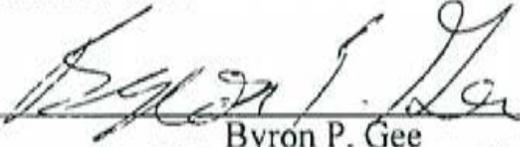
MUSICK, PEELER & GARRETT LLP
WILLIAM A. BOSSEN
SCOTT J. IVY

19 By:  by 

Scott J. Ivy
Attorneys for Cross-Defendant VALENCIA
WATER COMPANY

22 DATED: February 28, 2002

NOSSAMAN, GUTHNER, KNOX & ELLIOTT
ANDREW J. YAMAMOTO
BYRON P. GEE

25 By: 

Byron P. Gee
Attorneys for Plaintiffs and Counter-Defendants
NEWHALL COUNTY WATER DISTRICT,
CASTAIC LAKE WATER AGENCY SANTA
CLARITA WATER COMPANY and VALENCIA
WATER COMPANY

1 DATED: _____, 2002

LAW OFFICE OF SCOTT D. PINSKY
SCOTT D. PINSKY

2
3 By: Scott Pinsky
4 Scott D. Pinsky

Attorneys for Plaintiff and Counter-Defendant
NEWHALL COUNTY WATER DISTRICT

6 DATED: _____, 2002

HELLER EHRMAN WHITE & McAULIFFE
LLP
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PATRICK CURLEY

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Patrick Curley

10 Attorneys for Defendant and Counter-Claimant
WHITTAKER CORPORATION

12 DATED: _____, 2002

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Peter Muthig

16 Attorneys for Defendant and Counter-
Claimant WHITTAKER CORPORATION

18 DATED: _____, 2002

MAYER, BROWN & PLATT
GREGORY R. MCCLINTOCK
PETER K. ROSEN
RONALD KURTZ

21 By: _____
Ronald Kurtz

22 Attorneys for Defendants and Counter-Claimants
SANTA CLARITA, LLC and REMEDIATION
FINANCIAL, INC.

24 DATED: _____, 2002

SMILAND & KHACHIGIAN
ALBERT M. COHEN

26 By: _____
Albert M. Cohen

27 Attorneys for Defendants and Counter-Claimants
SANTA CLARITA, LLC and REMEDIATION
FINANCIAL, INC.
28

EXHIBIT A

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I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Stipulated Confidentiality and Protective Order dated _____, 2002, in Castaic Lake Water Agency, et al. v. Whittaker Corporation, et al., Case No. CV 00-12613 AHM (RZx), U.S. District Court of California, Central District. I have been given a copy of that Order and have read it. I understand the obligations and responsibilities the Order imposes upon persons to whom Confidential Information is provided or disclosed, and that to enable me to gain access to the Confidential Information, I agree to be bound by all of the terms and provisions of the Order. I will not disclose Confidential Information to anyone, except as set forth in the Order or as allowed by the Court. I will maintain all such Confidential Information in a secure manner to prevent unauthorized access to it. I further state that neither I or any entity with which I am affiliated with will use, disclose, or make public any Confidential Information to which I obtain access pursuant to this Order for any purpose other than participating in this litigation. No later than 30 days after the termination of this action, I will return all Confidential Information to the counsel who provided it to me. I hereby consent to be subject to the personal jurisdiction of the U.S. District Court of California, Central District with respect to any proceedings relative to the enforcement of that Order, including without limitation any proceeding related to contempt of court.

DATED: _____ By: _____

AFFILIATION: _____

PROOF OF SERVICE

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STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action; my business address is Nossaman, Guthner, Knox & Elliott, LLP, 445 S. Figueroa Street, 31st Floor Los Angeles, California 90071-1602.

On March 1, 2002, I served the foregoing document(s) described as **[PROPOSED] STIPULATED CONFIDENTIALITY PROTECTIVE ORDER AND ORDER THEREON** on interested parties in this action by placing () the original (X) a true copy thereof enclosed in a sealed envelope as follows:

SEE ATTACHED SERVICE LIST

(X) **(By U.S. Mail)** I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California.

() **(By Personal Service)** I delivered by hand on the interested parties in this action by placing true and correct copies thereof in envelope addressed to the office of the addressee(s) as above indicated.

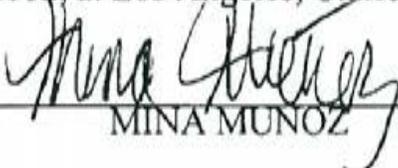
() **(By Facsimile)** I served a true and correct copy by facsimile pursuant to C.C.P 1013(e), to the number(s) listed above or on attached sheet. Said transmission was reported complete and without error.

() **(By Federal Express)** I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. A true and correct copy of the Federal Express or other overnight delivery service airbill is attached hereto.

() **(STATE)** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(X) **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 1, 2002, at Los Angeles, California.



MINA MUNOZ

SERVICE LIST

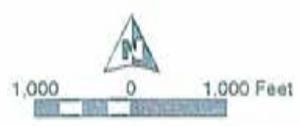
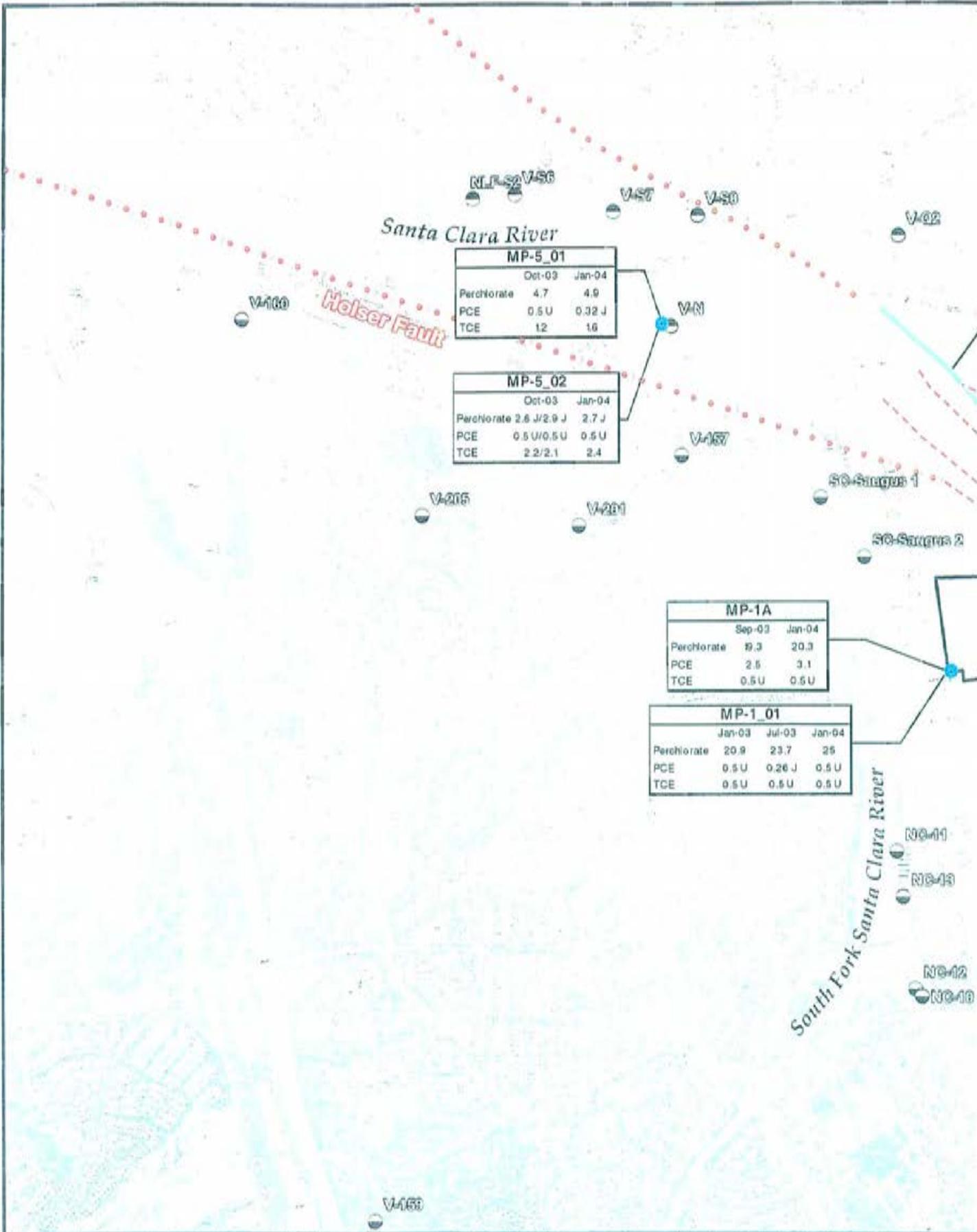
CASTAIC LAKE WATER AGENCY, et al. v. WHITTAKER CORPORATION, et al.

USDC Case No. CV 00-12613 AHM (RZx)

<p>5 Gregory R. McClintock, Esq. 6 Peter K. Rosen, Esq. 7 David C. Bolstad, Esq. 8 Thomas Theisen, Esq. 9 Ronald Kurtz, Esq. MAYER BROWN & PLATT 350 South Grand Avenue, 25th Floor Los Angeles, CA 90071-1503</p>	<p>Telephone: (213) 229-9500 Facsimile: (213) 625-0248</p> <p>Attorneys for Santa Clarita, L.L.C. and Remediation Financial, Inc.</p>
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27
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8 9 10 11	Scott D. Pinsky, Esq. LAW OFFICES OF SCOTT D. PINSKY 100 Oceangate, Suite 1200 Long Beach, CA 90802	Telephone: (562) 628-5588 Facsimile: (562) 628-5589 Attorneys for Plaintiff and Counter- Defendant Newhall County Water District
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28		



Explanation

- Saugus Monitoring Well
- Alluvium Production Well
- Saugus Production Well
- Former Whittaker Corporation Bermite Facility
- Fault**
- Fault Trace
- Fault Approximate
- Fault Concealed
- Fault Inferred

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FILED
CLERK, U.S. DISTRICT COURT
JUL 15 2003
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

ENTERED
CLERK, U.S. DISTRICT COURT
JUL 15 2003
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

Priority ✓
Send ✓
Enter ✓
Closed —
JS-5/JS-6 —
JS-2/JS-3 —
Scan Only —

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CASTAIC LAKE WATER
AGENCY, *et al.*,

Plaintiffs,

v.

WHITTAKER CORP., *et al.*,

Defendants.

CASE NO. CV 00-12613 AHM
(RZx)

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT;
ORDER DENYING COUNTER-
CLAIMANT WHITTAKER
CORP.'S MOTION FOR
SUMMARY JUDGMENT

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

WHITTAKER CORP.,

Counter-Claimant,

v.

CASTAIC LAKE WATER
AGENCY, *et al.*,

Counter-Defendants.

391

This matter is before the Court on two motions for summary judgment
Plaintiffs move for summary judgment on their nuisance claims and their claims

1 Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et*
2 *seq.* Defendant and Counterclaimant Whittaker Corporation ("Whittaker") moves
3 for summary judgment on its counterclaims for declaratory relief under CERCLA
4 and for contribution under both CERCLA and the California Hazardous
5 Substance Account Act ("HSAA"), Cal. Health & Safety Code § 25300 *et seq.*

6 MOTION STANDARD

7 Federal Rule of Civil Procedure 56(c) provides for summary judgment
8 when "the pleadings, depositions, answers to interrogatories, and admissions on
9 file, together with the affidavits, if any, show that there is no genuine issue as to
10 any material fact and that the moving party is entitled to judgment as a matter of
11 law." A fact is material if it could affect the outcome of the suit under the
12 governing substantive law. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248
13 (1986).

14 "When the party moving for summary judgment would bear the burden of
15 proof at trial, it must come forward with evidence which would entitle it to a
16 directed verdict if the evidence went uncontroverted at trial. In such a case, the
17 moving party has the initial burden of establishing the absence of a genuine issue
18 of fact on each issue material to its case." *C.A.R. Transportation Brokerage Co.,*
19 *Inc. v. Darden Restaurants, Inc.*, 213 F.3d 474, 480 (9th Cir. 2000) (citations
20 omitted).

21 When the non-moving party bears the burden of proving the claim or
22 defense, the moving party can meet its burden by pointing out the absence of
23 evidence from the non-moving party. The moving party need not disprove the
24 other party's case. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986). Thus,
25 "[s]ummary judgment for a defendant is appropriate when the plaintiff 'fails to
26 make a showing sufficient to establish the existence of an element essential to
27 [its] case, and on which [it] will bear the burden of proof at trial.'" *Cleveland v.*
28 *Policy Management Sys. Corp.*, 526 U.S. 795, 805-06 (1999) (*citing Celotex*, 477

U.S. at 322).

1 When the moving party meets its burden, the “adverse party may not rest
2 upon the mere allegations or denials of the adverse party's pleadings, but the
3 adverse party's response, by affidavits or as otherwise provided in this rule, must
4 set forth specific facts showing that there is a genuine issue for trial.” Fed. R.
5 Civ.P. 56(e). Summary judgment will be entered against the non-moving party if
6 that party does not present such specific facts. *Id.* Only admissible evidence may
7 be considered in deciding a motion for summary judgment. *Id.*; *Beyene v.*
8 *Coleman Sec. Serv., Inc.*, 854 F.2d 1179, 1181 (9th Cir.1988).

9 “[I]n ruling on a motion for summary judgment, the nonmoving party’s
10 evidence ‘is to be believed, and all justifiable inferences are to be drawn in [that
11 party’s] favor.’” *Hunt v. Cromartie*, 526 U.S. 541, 552 (1999) (quoting *Anderson*,
12 477 U.S. at 255). But the non-moving party must come forward with more than
13 “the mere existence of a scintilla of evidence.” *Anderson*, 477 U.S. at 252.
14 Thus, “[w]here the record taken as a whole could not lead a rational trier of fact to
15 find for the nonmoving party, there is no genuine issue for trial.” *Matsushita*
16 *Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (citation
17 omitted).

18 **PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

19 **I. Introduction**

20 This is a groundwater pollution case. Plaintiffs Newhall County Water
21 District (“Newhall”), Santa Clarita Water Co. (“Santa Clarita”) and Valencia
22 Water Co. (“Valencia”) contend that four of their water wells have been
23 contaminated by perchlorate. The Newhall, Santa Clarita and Valencia water
24 service areas and allegedly contaminated wells are found within the boundaries of
25 Plaintiff Castaic Lake Water Agency (“Castaic” or “the Agency”).

26 Plaintiffs believe the perchlorate at issue in this case originated at a nearby
27 property, the Whittaker-Bermite site, and traveled in a spreading plume to
28 contaminate the Newhall, Santa Clarita and Valencia wells. Defendants

1 Whittaker and Santa Clarita L.L.C. (“SCLLC”) are the past and present owners of
2 the the Whittaker-Bermite site, and Plaintiffs contend that Defendant
3 Remediation Financial, Inc. (“RFI”) currently operates the site.

4 The complaint alleges eleven causes of action for: recovery and declaratory
5 relief under CERCLA, contribution under CERCLA, negligence and negligence
6 per se, nuisance and public nuisance, trespass, recovery under the California
7 Hazardous Substance Account Act (“HSAA”), Cal. Health & Safety Code §
8 25300 *et seq.*, and declaratory relief pursuant to the Declaratory Judgment Act, 28
9 U.S.C. §§ 2201 & 2202. Plaintiffs also allege that Whittaker is strictly liable for
10 damages incurred as a result of its ultrahazardous manufacturing activities.

11 Plaintiffs now move for summary judgment on their CERCLA and
12 nuisance claims.

13 **II. The Parties**

14 Newhall is a public agency organized and existing under the laws of
15 California. August 26, 2002 Statement of Genuine Issues (“August 26 SGI”) ¶
16 55. *See* Cal. Water Code § 30000 *et seq.* (County Water District Law). Newhall
17 provides water to customers living in the Santa Clarita Valley. Decl. of Kenneth
18 J. Petersen ¶ 2. One of Newhall’s wells, NC-11, allegedly has been contaminated
19 by perchlorate. *Id.* ¶ 3.

20 Santa Clarita is a not-for-profit corporation that provides water to
21 thousands of residential customers. August 26 SGI ¶ 60; Decl. of William J.
22 Manetta ¶ 2.¹ Two of Santa Clarita’s wells, Saugus-1 and Saugus-2, allegedly

24
25 ¹Plaintiffs have also submitted a Manetta Declaration in opposition to the
26 summary judgment motion filed by Defendant and Counter-Claimant Whittaker. All
27 references to declarations in this part of the Court’s order are to declarations filed in
28 support of or in opposition to Plaintiffs’ summary judgment motion.

When the Court refers to a declaration or document by date, the date used is the
date on which the document was filed or lodged with the Court.

1 have been contaminated by perchlorate. Manetta Decl. ¶ 3.

2 Valencia is a California corporation that also provides water to thousands
3 of residential customers. August 26 SGI ¶ 64; Decl. of Robert J. DiPrimio ¶ 2.
4 One of Valencia's wells, VWC-157, allegedly has been contaminated by
5 perchlorate. DiPrimio Decl. ¶ 3.²

6 Castaic is a public agency created and governed by the Castaic Lake Water
7 Agency Law, Cal. Water Code App. § 103-1 *et seq.* See August 26 SGI ¶ 52. See
8 also *Klajic v. Castaic Lake Water Agency*, 90 Cal.App.4th 987, 991 (2001). The
9 Castaic Lake Water Agency Law provides that the Agency "may acquire water
10 and water rights . . . and provide, sell, and deliver that water at wholesale only,
11 for municipal, industrial, domestic, and other purposes . . ." Cal. Water Code
12 App. § 103-15.

13 Defendant Whittaker is a Delaware corporation doing business within this
14 judicial district. August 26 SGI ¶ 45. Whittaker owned the allegedly
15 contaminated Whittaker-Bermite site from 1967 to January 1999. *Id.* ¶ 46.

16 SCLLC is a Delaware limited liability company. *Id.* ¶ 43. SCLLC
17 purchased the Whittaker-Bermite site in 1999 and is its current owner. *Id.* ¶ 44.

18 RFI is an Arizona corporation and the sole managing member of SCLLC.
19 *Id.* ¶¶ 48-49.

20 **III. Analysis**

21 **A. Plaintiffs' CERCLA Claims**

22 Plaintiffs' complaint alleges CERCLA claims for cost recovery, 42 U.S.C.
23 § 9607(a), contribution, 42 U.S.C. § 9607(a) and § 9613(f), and declaratory relief,
24

25 ²After Plaintiffs filed this case, they discovered that an additional well, the
26 Stadium Well, also is contaminated with perchlorate. The parties have not fully
27 briefed the issue of Defendants' liability for Stadium Well contamination, nor have
28 they completed expert discovery. The Court will not rule on any issues presented by
the alleged Stadium Well contamination in this order.

1 42 U.S.C. § 9613(g). Plaintiffs seek to recover their already incurred costs of
2 response and to allocate responsibility for future response costs.

3 The *prima facie* elements of all three CERCLA claims are the same. *City*
4 *of Portland v. Boeing Co.*, 179 F.Supp.2d 1190, 1199 (D. Or. 2001) (elements of
5 CERCLA cost recovery and contribution claims the same). See also *In re Dant &*
6 *Russell, Inc.*, 951 F.2d 246, 249-50 (9th Cir. 1991) (declaratory relief for future
7 costs available once plaintiff has incurred at least some recoverable response
8 costs).

9 In order to recover their response costs, Plaintiffs must establish that:

- 10 (1) perchlorate is a hazardous substance;
11 (2) there has been a release of perchlorate at Defendants' facility;
12 (3) the release or threatened release caused the Plaintiffs to incur necessary
13 response costs consistent with the National Contingency Plan ("NCP");³ and
14 (4) Defendants are within one of four classes of persons subject to
15 CERCLA's liability provisions.

16 See *Carson Harbor Village Ltd. v. Unocal Corp.*, 270 F.3d 863, 870-71 (9th Cir.
17 2001) (listing same requirements but classifying them as only four different
18 elements); *Dedham Water Co. v. Cumberland Farms Dairy, Inc.*, 889 F.2d 1146,
19 1150 (1st Cir. 1989) (*en banc*).

20 //

21 //

22 _____
23 ³The Court earlier bifurcated this action into liability and damage phases.
24 Perhaps for this reason, the parties have not proffered evidence regarding the precise
25 amount and types of costs incurred, and they have not yet fully briefed the issues of
26 cost necessity and NCP consistency.

26 Although necessity and consistency with the NCP are elements of a CERCLA
27 plaintiff's *prima facie* case, the Court believes it appropriate to leave these issues for
28 resolution at a later date based on a complete record.

28 Thus, the order issued today is limited to a determination of liability for those

1 1. *Is Perchlorate a Hazardous Substance?*

2 “CERCLA defines ‘hazardous substance’ by reference to substances listed
3 under various other federal statutes.” *Cose v. Getty Oil Co.*, 4 F.3d 700, 704 (9th
4 Cir. 1993); 42 U.S.C. § 9601(14). Plaintiffs contend that perchlorate (ClO_4^-)
5 qualifies as a CERCLA hazardous substances because it is “hazardous waste[s]”
6 under the Solid Waste Disposal Act, 42 U.S.C. § 6901 *et seq.*, as amended by the
7 Resource Conservation and Recovery Act (“RCRA”). *See* 42 U.S.C. §
8 9601(14)(C) (including Solid Waste Disposal Act hazardous wastes within
9 CERCLA’s definition of “hazardous substance”).⁴

10 A “hazardous waste” is:

11 a solid waste, or combination of solid wastes, which because of its
12 quantity, concentration, or physical, chemical, or infectious characteristics
13 may--

14 (A) cause, or significantly contribute to an increase in mortality or an
15 increase in serious irreversible, or incapacitating reversible, illness; or
16 (B) pose a substantial present or potential hazard to human health or the
17 environment when improperly treated, stored, transported, or disposed of,
18 or otherwise managed.

19 42 U.S.C. § 6903(5).

20 The Solid Waste Disposal Act’s implementing regulations categorize hazardous
21 wastes as either “listed” hazardous wastes or “characteristic” hazardous wastes.

22 40 C.F.R. § 261.3(a). *See also United States v. Hansen*, 262 F.3d 1217, 1241

23 (11th Cir. 2001). “Characteristic” hazardous wastes are those wastes that are
24 ignitable, corrosive, reactive or toxic, as those terms are defined in 40 C.F.R. §§
25 261.21-261.24. *See* 40 C.F.R. §§ 261.3(a)(2)(i) and 261.20(a).

26 Plaintiffs claim, and Defendants do not dispute, that perchlorate meets the
27 Solid Waste Disposal Act’s definition of “solid waste.” 42 U.S.C. § 6903(27)
28 (solid waste is “discarded material, including solid, liquid, semisolid, or

29 ⁴The inclusion of RCRA hazardous wastes within the CERCLA definition of
30 “hazardous substance” is subject to a limited exception not applicable here. *See* 42
31 U.S.C. § 9601(14)(C); *Louisiana-Pacific Inc. v. Asarco Inc.*, 24 F.3d 1565, 1572 (9th
32 Cir. 1994) (discussing exception).

1 contained gaseous material resulting from industrial, commercial, mining, and
2 agricultural operations”); 40 C.F.R. § 261.2 (solid waste is any “discarded
3 material” – for example material that has been “disposed of” or “burned or
4 incinerated”). The declaration of Bradley Peach, who formerly worked at the
5 Whittaker-Bermite site, supports Plaintiffs’ claim. Peach states that perchlorate
6 was disposed of as waste at the Whittaker-Bermite site, including in burn pits.
7 Decl. of Bradley D. Peach (attached as Exh. R to the July 9, 2002 Decl. of Byron
8 P. Gee) ¶ 5.

9 Plaintiffs also proffer evidence sufficient to establish that perchlorate is a
10 hazardous solid waste because it is ignitable. A solid waste exhibits the
11 ignitability characteristic if it is an “oxidizer” as defined in 49 C.F.R. 173.127.⁵
12 Section 173.127 defines “oxidizer” quite generally as any “material that may,
13 generally by yielding oxygen, cause or enhance the combustion of other
14 materials.”

15 Plaintiffs’ expert E. John List explains that “perchlorate is a strong
16 oxidizing agent” that stores “significant potential chemical energy.” Expert Rep.
17 of E. John List (attached to Plaintiffs’ July 25, 2002 Notice of Errata) at 2
18 [hereinafter “List Rep.”]. For this reason, ammonium perchlorate and potassium
19 perchlorate are used in the manufacture of fireworks, explosives and rocket
20

21
22 ⁵The C.F.R. provision governing ignitability actually refers to the definition of
23 “oxidizer” contained in 49 C.F.R. § 173.151 (as opposed to § 173.127), but no
24 definition of “oxidizer” is contained within that section of the Code. Apparently the
25 definition of “oxidizer” originally found in § 173.151 was moved to section §
26 173.127 as part of a comprehensive amendment to the Department of Transportation’s
27 Hazardous Materials Regulations, 49 C.F.R. parts 171-180. *See* 55 Fed. Reg. 52402-
28 01 (Dec. 21, 1990). *See also* 49 Fed. Reg. 23290-01 (June 5, 1984) (referring to the
definition of “oxidizer” then contained in § 173.151: “An oxidizer for the purpose of
this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide,
or a nitrate, that yields oxygen readily to stimulate the combustion of organic

1 propellants. *Id.* See also Expert Rep. of Franklin J. Agardy (lodged by Whittaker
2 on July 29, 2002) at 3 (perchlorate used to manufacture explosives and solid
3 propellants such as rocket fuels).

4 In addition, the Court takes judicial notice of two Environmental Protection
5 Agency ("EPA") draft reports regarding perchlorate that were circulated in
6 January 2002 and December 1998; both reports describe perchlorate as an
7 "oxidizing anion."⁶ EPA, Perchlorate Environmental Contamination:
8 Toxicological Review and Risk Characterization (January 16, 2002) (attached as
9 Exh. A to Plaintiffs' July 9, 2002 Request for Judicial Notice) at 8; EPA,
10 Perchlorate Environmental Contamination: Toxicological Review and Risk
11 Characterization Based on Emerging Information (December 31, 1998) (attached
12 as Exh. B to Plaintiffs' July 9, 2002 Request for Judicial Notice) at 1-1. See also
13 *Oregon Ass'n of Homes for the Aging, Inc. v. Oregon*, 5 F.3d 1239, 1243 n.2 (9th
14 Cir. 1993) (court may take judicial notice of records and reports of administrative
15 agencies); *Reynolds v. Bucks*, 833 F.Supp. 518, 520 n.5 (E.D. Penn. 1993) (taking
16 judicial notice of EPA draft report finding that environmental tobacco smoke is a
17 cause of lung cancer). Although these are draft reports circulated for peer review,
18 the section relevant here – describing the chemical properties of perchlorate – was
19 included in the 1998 draft, which has already been subject to public comment,
20 and was not changed in the 2002 version of the report.

21 2. *Did a Release of Perchlorate Occur at Defendants' Facility?*

22 In order to establish that the Whittaker-Bermite site is a facility within the
23 meaning of CERCLA, Plaintiffs must provide evidence that it is a "site or area
24 where a hazardous substance has been deposited, stored, disposed of, or placed,
25 or otherwise come to be located." 42 U.S.C. § 9601(9). In order to establish that
26

27 ⁶The Court overrules Defendants' authentication objection. See Fed. R. Evid.
28 902(5) (publications purporting to be issued by a public authority are self-

1 a release of perchlorate occurred at the site, Plaintiffs must provide evidence that
2 perchlorate was spilled, leaked, pumped, poured, emitted, emptied, discharged,
3 injected or disposed into the environment, or that it escaped or leached into the
4 environment. 42 U.S.C. § 9601(22) (defining “release”).

5 The Whittaker-Bermite site is a 996-acre property located at 22116 West
6 Soledad Canyon Road in the City of Santa Clarita. August 26 SGI ¶ 1.
7 Munitions and explosives were manufactured at the site from at least 1934 to
8 1987. *Id.* ¶ 2. Plaintiffs offer evidence sufficient to establish both that the site is
9 a “facility” as that term is defined in CERCLA and that perchlorate was released
10 at the site. First, Bradley Peach declares that during his employment at the
11 Whittaker-Bermite facility perchlorate was regularly delivered to the site, waste
12 containing perchlorate was disposed of in burn pits, and perchlorate chemicals
13 and perchlorate containing waste periodically spilled onto the ground at the site.⁷
14 Peach Decl. ¶¶ 3-7. Second, tests conducted at the site reveal the existence of
15 perchlorate. *See, e.g.*, Expert Rep. of David Keith Todd (attached as Exh. 2 to
16

17 ⁷Peach was employed at the Whittaker-Bermite facility from 1978 to 1984. He
18 worked primarily in inventory-related activities and his job responsibilities “included
19 receiving, storing and transporting raw materials and transporting and storing waste
20 materials, including waste containing perchlorate.” Peach also sometimes worked as
21 the “fire-watch” at the site’s waste burn pits. Peach Decl. ¶ 1.

22 The Court denied Defendants’ earlier motion to exclude the Peach declaration
23 but allowed Defendants to depose Peach, which they did on November 21, 2002.
24 Defendants now object that certain statements in the Peach declaration are speculative
25 and lack foundation, and Defendants cite portions of the November 21 Peach
26 deposition as support for their objection.

27 The cited deposition testimony is not relevant to, and therefore does not
28 undermine, Peach’s statements regarding disposal at burn pits or perchlorate spilling.
Peach’s deposition testimony does call into question the specific numerical estimates
regarding perchlorate deliveries that Peach included in his original declaration, but
the cited deposition testimony actually supports the more general proposition that
Peach has personal knowledge of at least *some* perchlorate deliveries to the
Whittaker-Bermite site. *See* Peach Dep. (attached as Exh. 8 to the May 12, 2003

1 Plaintiffs' July 25, 2002 Notice of Errata) at 26 (summarizing on-site soil tests for
2 perchlorate) [hereinafter "Todd Rep."]; List Rep. at App. 1; Acton Mickelson
3 Environmental, Inc., Draft Remedial Investigation Report (January 1997)
4 (attached as Exh. A to the July 9, 2002 Gee Decl.) at 6-138 (reporting perchlorate
5 found in site soil sample).⁸ See also U.S. Army Corps of Engineers Remedial

6 _____
7 ⁸Defendants object that this evidence is inadmissible. Defendants first object
8 that the Acton Mickelson environmental report attached as Exh. A to the Gee
9 Declaration has not been properly authenticated. Fed. R. Evid. 901. While it is true
10 that Mr. Gee (an attorney for Plaintiffs) cannot authenticate the report, Defendant
11 SCLLC produced the document itself in response to Plaintiffs' discovery requests.
12 Gee Decl. ¶¶ 2-3. See *Maljack Productions, Inc. v. GoodTimes Home Video Corp.*
13 (9th Cir. 1996), 81 F.3d 881, 889 n.12 (document authenticated when produced by
14 defendant in discovery); *Snyder v. Whittaker Corp.*, 839 F.2d 1085, 1089 (9th Cir.
15 1988) (same). Cf. also *Orr v. Bank of America, NT & SA*, 285 F.3d 764, 776 & n.20
16 (9th Cir. 2002) (citing *Maljack* and *Snyder*). And although originally the report was
17 prepared for Whittaker, not SCLLC, Whittaker is a party to this proceeding,
18 Whittaker does not contend that the document is other than what it purports to be, and
19 all Defendants (including Whittaker) actually cite the report in their SGI. See July
20 29 SGI ¶ 21 (reiterating authenticity objection but also citing the report as evidence).
21 Cf. *Maljack*, 81 F.3d at 889 n.12 (relying on, *inter alia*, fact that objecting party did
22 not actually dispute authenticity of the admitted document); *Snyder*, 839 F.2d at 1089
23 (same). The Court finds this "sufficient to support a finding that the matter in
24 question is what its proponent claims." Fed. R. Evid. 901(a).

25 Defendants also object that the Acton Mickelson report is inadmissible as
26 hearsay and that the cited portions of the Todd and List reports contain inadmissible
27 hearsay. But SCLLC, which produced the report, admitted that it qualifies as a
28 business record within the meaning of Fed. R. Evid. 803(6) by failing timely to
respond to Plaintiffs' Request for Admissions. See Gee Decl. (attached as Tab M to
Plaintiffs' Response to Defendants' Compendium of [Evidentiary] Objections) ¶¶ 1-4
& Exh. B. See also Fed. R. Civ. P. 36(a) Advisory Committee Notes (1970 Amend.)
(requests for admission may address mixed questions of law and fact); *Marchand v.*
Mercy Medical Ctr., et. al., 22 F.3d 933, 937 n. 4 (9th Cir. 1994) (treating as proper
a request for admission asking Defendant to admit that the treatment provided to
Plaintiff "failed to comply with the applicable standard of care"). As to the Todd and
List reports: Experts are permitted to rely on hearsay in forming their opinions, and
the test data Todd and List relied on is therefore admissible because it was part of the
basis for their expert opinions that perchlorate released at the Whittaker, Remite site

1 Investigation Technical Mem. No. 1 Attachment B (monitoring well test results
2 showing detection of perchlorate on the Whittaker-Bermite site) (proffered by
3 both Plaintiffs, June 5, 2003 Gee Decl. Exh. A, and by Defendants, May 27, 2003
4 Decl. of Brian T. Kelleher, and relied on by both Plaintiffs' experts, *see, e.g.*, June
5 5, 2003 List Decl. ¶ 5, and by Defendants' expert N. Thomas Sheahan, May 27,
6 2003 Sheahan Decl. ¶ 3).

7 3. *Did the Release of Perchlorate at the Whittaker-Bermite Site*
8 *Cause Plaintiffs to Incur Response Costs?*

9 To prove this element of their prima facie case, Plaintiffs must proffer
10 evidence sufficient to establish that a release or threatened release from the
11 Whittaker-Bermite site caused them to incur response costs.

12 (a) Have Plaintiffs incurred response costs?

13 CERCLA does not define the term "response cost." However, "response"
14 is defined to mean "remove, removal, remedy, and remedial action" and all
15 "enforcement activities related thereto." 42 U.S.C. § 9601(25). The terms
16 "remove" and "removal" are in turn defined to include "cleanup or removal" and
17 "actions as may be necessary to monitor, assess, and evaluate the release or threat
18 of release," as well as "disposal of removed material" and "such other actions as
19 may be necessary to prevent, minimize, or mitigate damage to the public health or
20 welfare or to the environment." 42 U.S.C. § 9601(23). The terms "remedy" or
21 "remedial action" mean "those actions consistent with permanent remedy taken
22 instead of or in addition to removal actions." 42 U.S.C. § 9601(24). Preventive
23 monitoring and provision of alternative water supplies are listed in the statute as
24 examples of removal and remedial actions. 42 U.S.C. § 9601(23), § 9601(24).

25 In order to establish that they have incurred some response costs, Plaintiffs
26 offer the declarations of David Kimbrough (Castaic's Water Quality and
27

1 Laboratory Supervisor), Kenneth J. Petersen (Newhall's General Manager),
2 William J. Manetta (Santa Clarita's President), and Robert J. DiPrimio
3 (Valencia's President).⁹

4 Kimbrough declares that Castaic supplements local Santa Clarita
5 groundwater resources with water imported through the State Water Project.
6 Kimbrough Decl. ¶ 2. Castaic provides such water at wholesale prices to water
7 retailers – including Newhall, Santa Clarita and Valencia – within the agency's
8 boundaries. *Id.* ¶ 2. *See also* Cal. Water Code App. § 103-15 (listing powers of
9 agency); *id.* § 103-29.5 (providing for allocation of the agency's water supplies
10 among area purveyors); *id.* § 103-4.8 (defining "purveyor" to mean those retail
11 water distributors with facilities connected to the agency's water transmission
12 system as of April 15, 1986). Kimbrough declares that Castaic has already spent
13 "\$300,000 in engineering and consulting fees to study the perchlorate release and
14 devise a clean-up plan for the perchlorate problem." Kimbrough Decl. ¶ 4.
15 Castaic is also the local agency sponsor of an Army Corps of Engineers study of
16 contamination at the Whittaker-Bermite site, although it is unclear what
17 expenditures (if any) this sponsorship entails. Decl. of Lynn M. Takaichi

18
19
20 ⁹Defendants object to these declarations as lacking foundation. In fact,
21 Defendants raise lack of foundation objections to nearly every declaration Plaintiffs
22 have filed.

23 The Court has only considered those objections relevant to evidence cited in
24 this order, but it appears to the Court that many of Defendants' foundation objections
25 – including those made to the Kimbrough, Petersen, Manetta, and DiPrimio
26 declarations – lack merit. Although the Court applauds zealous advocacy, it deplors
27 the numbing repetition of plainly non-meritorious (indeed, frivolous) evidentiary
28 objections.

29 As to these specific declarations, each of the witnesses identifies his relevant
30 position of authority with the Plaintiff entities, and each states that he has personal
31 knowledge of the facts set forth in his declaration. These statements are sufficient,
32 and neither Fed. R. Evid. 602 nor *United States v. Shumway*, 199 F.3d 1093, 1104
33 (9th Cir. 2000) supports otherwise.

1 (Castaic's Agency Engineer) (attached to Plaintiffs' Aug. 12, 2002 Reply) ¶¶ 2-5.

2 Petersen, Manetta and DiPrimio each declare that their respective companies
3 – retail purveyors within Castaic's boundaries – tested their wells for perchlorate
4 contamination in 1997 at the request of California's Department of Health
5 Services. Petersen Decl. ¶ 3; Manetta Decl. ¶ 3; DiPrimio Decl. ¶ 3. After
6 detecting perchlorate, Newhall, Santa Clarita and Valencia took their
7 contaminated wells out of service. Petersen Decl. ¶ 5; Manetta Decl. ¶ 5;
8 DiPrimio Decl. ¶ 5. Peterson, Manetta and DiPrimio each declare that their
9 respective companies have since spent substantial sums on additional sampling,
10 as well as consulting fees and alternative water supplies. Petersen Decl. ¶ 6
11 (Newhall has spent \$200,000);¹⁰ Manetta Decl. ¶ 6 (Santa Clarita has spent

12
13
14
15 ¹⁰Defendants contend that Newhall does not need to purchase alternative water
16 supplies because its remaining non-contaminated wells meet Newhall's demand. *See*
17 August 26 SGI ¶ 59. Defendants also contend that it is actually cheaper for Newhall
18 to purchase substitute water from Castaic than to produce water itself. *Id.*
19 Defendants cite to portions of the deposition of Dustan Campbell, Newhall's
Superintendent, as support for these arguments. *Id.*

20 The Court has reviewed the Campbell deposition, taken on March 5, 2002.
21 Campbell testified that as of the date of his deposition, Newhall did have an adequate
22 water supply. Campbell Dep. (attached as Exh. E to the July 29 Decl. Thomas F.
23 Vandenburg) at 105:1-5 (Question: "Does [Newhall] have the capacity from the wells
24 that are currently active to meet its demand today?" Answer: "Today, yes, it does.").
Campbell also testified that beginning in August, 2001, Newhall could purchase
water at the same cost, or even more cheaply, than producing water itself. *Id.* at
105:10-106:25.

25 But neither of these deposition excerpts undermines Newhall's cost estimate
26 to the extent it is based on the provision of alternative water supplies. Campbell's
27 testimony does not address Newhall's need for alternative water supplies before or
28 after March, 2002, and it does not suggest that purchasing water from Castaic was
cheaper for Newhall at all relevant times prior to August, 2001. In this regard, it is
noteworthy that perchlorate was first detected in a Newhall well in 1997. Petersen

1 \$1,500,000);¹¹ DiPrimio Decl. ¶ 6 (Valencia has spent \$50,000).¹² Petersen,
2 Manetta and DiPrimio each declare that these costs have been incurred as a
3 “direct result of [the] perchlorate contamination.” Petersen Decl. ¶ 6; Manetta
4 Decl. ¶ 8; DiPrimio ¶ 6.

5 The costs Plaintiffs have incurred qualify as removal or remedial costs
6 because CERCLA’s definitions of those terms include actions “necessary to
7 monitor, assess, and evaluate a release or threat of release” and “provision of
8 alternative water supplies.” 42 U.S.C. § 9601(23), (24). Plaintiffs have thus
9 presented sufficient evidence to establish that they have incurred CERCLA
10 response costs as a result of the perchlorate contamination detected in the

11 _____
12 ¹¹Although Santa Clarita claims that some of this \$1,500,000 has been spent on
13 alternative water supplies, Robert McDougal, Santa Clarita’s Operations Manager,
14 testified during deposition that since shutting down its contaminated wells, Saugus-1
15 and Saugus-2, Santa Clarita has still had water supplies adequate to meet its needs.
16 McDougal Dep. (attached as Exh. G to the July 29, 2002 Vandenburg Decl.) at 135:7-
17 137:24. (Plaintiffs’ counsel objected to this line of questioning during the McDougal
deposition as argumentative and vague. The Court hereby overrules those
objections.)

18 This testimony does create a genuine issue as to whether Santa Clarita has
19 actually spent any money on alternative water supplies. McDougal’s testimony does
20 not, however, create a genuine issue sufficient to defeat Santa Clarita’s summary
21 judgment motion. At this stage in the case, and consistent with the Court’s
22 bifurcation order, Plaintiffs have not submitted itemized cost statements, and Santa
23 Clarita identifies two other bases for the \$1,500,000 figure – consulting and sampling
24 fees. Defendants present no evidence that Santa Clarita has not incurred consulting
25 and sampling costs.

26 ¹²DiPrimio testified that as of the date of his deposition, March 29, 2002,
27 Valencia could meet demand with water pumped from Valencia’s own wells.
28 DiPrimio Dep. (attached as Exh. F to the July 29, 2002 Vandenburg Decl.) at 85:10-
15. In other words, as of March 29, 2002, Valencia did not need to purchase
alternative water supplies to meet demand.

DiPrimio’s testimony does not, however, create a genuine issue sufficient to
deny summary judgment. DiPrimio did not discuss pre-March 2002 water supplies
during his deposition, nor did he undermine Valencia’s claim to have incurred costs

1 Newhall, Santa Clarita and Valencia wells.

2 (b) Were Plaintiffs' response costs "caused" by Defendants'
3 releases?

4 Much of Defendants' opposition is directed to an argument that Plaintiffs
5 have failed to satisfy CERCLA's causation requirement. Analysis of this
6 argument requires consideration of (i) causation principles applied in two-site
7 water migration cases, (ii) the geography of the Whittaker-Bermite site and
8 surrounding area, and (iii) the specific causation-related evidence submitted on
9 this motion.

10 i. Causation principles

11 This is a "two-site" CERCLA case. Plaintiffs claim that contaminant at
12 one location – the Whittaker-Bermite site – has migrated to reach a different
13 location – Plaintiffs' wells.¹³ The issue of causation in two-site cases is a difficult
14 one, and the Court has reviewed numerous cases in an attempt to determine the
15 appropriate causation standard to be applied here. The Court has found *Westfarm*
16 *Associates Limited Partnership v. Washington Suburban Sanitary Comm'n*, 66
17 F.3d 669 (4th Cir. 1995), *United States v. Alcan Aluminum Corp.*, 964 F.2d 252
18 (3d Cir. 1992), *Artesian Water Co. v. New Castle County*, 659 F.Supp. 1269 (D.
19 Del. 1987), *aff'd on other grounds* 851 F.2d 643 (3d Cir. 1988), and *United States*
20 *v. Bliss*, 667 F.Supp. 1298 (E.D. Mo. 1987), to be the most instructive.

21 In *Westfarm*, a case cited by Defendants themselves, Westfarm Associates
22 Limited Partnership ("Westfarm"), a Maryland real estate developer, discovered
23 that groundwater beneath its property was contaminated with perchloroethylene
24 ("PCE"). 66 F.3d at 673. After conducting an investigation, Westfarm concluded
25 that the PCE originated with the International Fabricare Institute ("IFI"), a
26 neighboring landowner and dry cleaner trade association, and had leaked onto

27
28 ¹³Actually, Plaintiffs' wells are in several different locations, making this more
of a "several-site" case. But the principles applicable to two-site cases are applicable

1 Westfarm's property through cracks in the sewer system leading from IFI. *Id.*
2 Westfarm inspected the sewer system itself and detected several flaws. *Id.* at 674.
3 Westfarm also found PCE in the sewer leading from IFI. *Id.*

4 Westfarm sued IFI under CERCLA and also sued the Washington
5 Suburban Sanitary Commission ("WSSC"), the local sewer system operator. The
6 district court granted summary judgment in Westfarm's favor on its CERCLA
7 claim, and WSSC appealed. WSSC argued that summary judgment should not
8 have been granted because WSSC's expert testimony created a genuine issue of
9 material fact as to causation. *Id.* at 681-82 The Fourth Circuit emphatically
10 rejected this argument and explained that WSSC fundamentally misunderstood
11 the CERCLA plaintiff's causation burden:

12 Contrary to the rule followed in most areas of the law, the burden of proof
13 as to causation in a CERCLA case lies with the defendant. The plaintiff
14 must prove only that contaminants which were once in the custody of the
15 defendant could have travelled onto the plaintiff's land, and that
16 subsequent contaminants (chemically similar to the contaminants once
17 existing in defendant's custody) on the plaintiff's land caused the plaintiff
18 to incur cleanup costs. The plaintiff need not produce any evidence that
19 the contaminants did flow onto its land from the defendant's land. Rather,
20 once plaintiff has proven a *prima facie* case, the burden of proof falls on
21 the defendant to *disprove causation*.

22 *Id.* at 681 (emphasis added) (citations omitted).

23 WSSC's expert opined that "current evidence [did] not substantiate the
24 WSSC as a source of PCE contamination to the underlying aquifer." *Id.* at 681.
25 Nevertheless, applying the burden-shifting scheme explained above, the Fourth
26 Circuit held that WSSC failed to create a genuine issue. Because the WSSC's
27 expert testimony indicated only that Westfarm might not be able to *prove*
28 causation – not that WSSC could *disprove* causation – it was insufficient to deny
summary judgment. In other words, "[b]ecause the burden lay on WSSC to
disprove that it was a source of PCE, the fact that the evidence on summary
judgment produced a genuine dispute as to whether the evidence *proved* WSSC to
be a source was not material, and could not serve as a basis to deny summary

1 (plaintiffs in a "multi-generator" CERCLA case cannot be required to trace the
2 cause of the response costs to each responsible party); *Artesian Water*, 659
3 F.Supp. at 1281-82 (defense expert's opinion that "it [could not] be stated to any
4 reasonable degree of probability" that toxic wastes came from defendant's site,
5 and defendant's identification of another potential source, were insufficient to
6 create a genuine issue because plaintiff did not bear the burden of
7 "fingerprint[ing]" any particular PRP's waste); *Bliss*, 667 F.Supp. at 1311
8 ("[D]efendants, not the plaintiff, [bore] the burden of showing that the hazardous
9 substances at the site came solely from a third party.")

10 Although *Westfarm*, *Alcan*, *Artesian* and *Bliss* involve a variety of factual
11 scenarios, they all stand for a common causation principle: in a two-site
12 CERCLA case, the plaintiff meets its burden on summary judgment if it (a)
13 identifies contaminant at its site, (b) identifies the same (or perhaps a chemically
14 similar) contaminant at the defendant's site, and (c) provides evidence of a
15 plausible migration pathway by which the contaminant could have traveled from
16 the defendant's facility to the plaintiff's site.¹⁴ If the plaintiff meets this burden,
17 the defendant must then proffer evidence sufficient to create a genuine issue of
18 fact as to its ability to disprove causation.

19 The Court finds this analysis persuasive and applicable to the facts of this
20 case. The *Westfarm* burden-shifting approach is in keeping with CERCLA's
21 broad remedial purpose, *see generally Hanford Downwinders Coalition, Inc. v.*
22 *Dowdle*, 71 F.3d 1469, 1481 (9th Cir. 1995), and is consistent with the "minimum
23

24 ¹⁴In *Alcan*, the plausible migration pathway was an undisputed release of
25 thousands of gallons of water from the contaminated site into the Susquehanna River.
26 964 F.2d at 256. The plausible pathway in *Artesian Water* was underground
27 migration. 659 F.Supp. at 1281. In *Bliss*, the United States offered evidence that
28 waste from a large storage site had been transported to, and sprayed at, another site;
although the defendants argued that *their* waste may not have been so transported, the
Court held that the government's evidence of a plausible route was sufficient. 667

1 causal nexus” most courts require under CERCLA. *See, e.g., United States v.*
2 *Monsanto*, 858 F.2d 160, 170 n.17 (4th Cir. 1988). *See also Artesian Water*, 659
3 F.Supp. at 1282 (requiring plaintiffs to “fingerprint” individual defendant’s waste
4 would allow PRPs “to avoid financial responsibility for the cleanup.”)¹⁵

5 ii. The setting

6 The Whittaker-Bermite site is a 996-acre property located in the Santa
7 Clarita Valley. August 26 SGI ¶ 1. The Santa Clara River runs west of the site,
8 and water in the river flows north. *See* May 13, 2002 Expert Rep. of Grant L.
9 Ohland [hereinafter “Ohland Rep.”] Fig. 1. Plaintiffs’ four wells lie directly west
10 and northwest of the Whittaker-Bermite site, roughly along the Santa Clara River.
11 *Id.*

12 Of Plaintiffs’ four wells, NC-11 is the furthest south. It is located between
13 the Santa Clara River and the southwest corner of the Whittaker-Bermite site; the
14 well is closer to the river than it is to the site. Saugus-2 and then Saugus-1 are
15 further north. *Id.* Saugus-2 is directly west of the northwest corner of the
16 Whittaker-Bermite site, and the well is (like NC-11) in between the site and the
17 Santa Clara River. *Id.* Saugus-1 is north and west of the site’s northwest corner,
18 and it is just on the west side of the river. *Id.* VWC-157 is north and west of the
19 Saugus wells and of the Whittaker-Bermite site. VWC-157 is also west of the
20 river – further west, in fact, than is Saugus-1. *Id.*

21 iii. Plaintiffs have met their causation burden

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23
24 ¹⁵For these same reasons, the Court finds unpersuasive, and declines to adopt,
25 the stricter causation requirement suggested by the Sixth Circuit’s holding in
26 *Kalamazoo River Study Group v. Rockwell Int’l Corp.*, 171 F.3d 1065, 1072 (6th Cir.
27 1999) (plaintiff’s expert’s affidavit, which created a genuine issue only as to the
28 “possibility” that contaminant migrated from the defendant’s site, insufficient on
summary judgment because plaintiff bore “the burden of proof to show that
[defendant] did contribute to [contaminant] . . . , not that it is possible that it might
have contributed . . .”). *See also United States v. Dico*, 136 F.3d 572, 578 (8th Cir.

1 Applying the principles set out above, the Court finds that Plaintiffs have
2 proffered evidence sufficient to meet their burden as to causation. Perchlorate
3 has been detected in the Newhall, Santa Clarita and Valencia wells. *See* Ohland
4 Rep. Table 1; Todd Rep. at 12.¹⁶ Perchlorate also has been detected at the
5 Whittaker-Bermite site. *See* n.8 *supra* and accompanying text.

6 As to migration pathways, Plaintiffs' and Defendants' experts generally
7 agree that perchlorate might travel to Plaintiffs' wells via surface water, the
8 Alluvial Aquifer or the Saugus Formation.¹⁷ *Compare* Ohland Rep. at 24-28 *with*
9 Todd Rep. at 33-34. For purposes of this motion, the Court need only focus on
10 surface water as a plausible migration pathway.

11 Plaintiffs' hydrogeology experts, Drs. List and Todd, opine that the
12 perchlorate detected in surface water runoff from areas in the southwest corner of
13 Whittaker-Bermite site travels through canyons located in the southwestern
14 section of the site and enters the South Fork of the Santa Clara River upstream of
15 the Plaintiffs' four wells. List Rep. at 7; Todd Rep. at 33-34. Although
16 Plaintiffs' wells draw from the underlying Saugus formation, Dr. Todd opines
17 (based on perchlorate detection in groundwater on the Whittaker-Bermite site)
18 that perchlorate traveling in surface water infiltrates both the Alluvial Aquifer and
19 underlying Saugus formation – making surface water a “viable migration
20 pathway[]” to Plaintiffs' wells. Todd Rep. at 33. *See also* List Rep. at 7. Dr. List
21 also opines, based on tests conducted near the site's northern border, that such
22 infiltration down from surface water “is likely to be significant wherever surface
23 runoff has occurred.” List Rep. at 7. Finally, Dr. Todd explains that perchlorate,
24 which is denser than water, will sink by gravity downward through the water

25

26

27 ¹⁶Defendants evidentiary objections to the admissibility of this data contained
28 in both Plaintiffs' and Defendants' expert reports are overruled. *See supra* note 8.

28

¹⁷The Alluvial Aquifer and underlying Saugus Formation are the two principal

1 column. Todd Rep. at 32.

2 This expert evidence is sufficient to establish that transport through surface
3 water entering the Santa Clara River upstream of Plaintiffs' wells, combined with
4 subsequent infiltration through the Alluvial Aquifer and Saugus Formation near
5 Plaintiffs' wells, is a plausible migration pathway for perchlorate to travel from
6 the Whittaker-Bermite site to the wells.

7 In opposition, Defendants rely primarily on the expert testimony of Grant
8 L. Ohland. Ohland, however, agrees with many of Plaintiffs' experts'
9 conclusions regarding surface water (and subsequent downward migration into
10 underlying aquifers) as a potential migration pathway to Plaintiffs' wells. For
11 example, Ohland agrees that surface water is a potential pathway; he, too, cites
12 data showing perchlorate in surface water run-off from the southwest portion of
13 the Whittaker-Bermite site; he agrees that this surface water run-off travels to the
14 South Fork of the Santa Clara River upstream of Plaintiffs' wells; he agrees that
15 surface water run-off has "the potential to transport perchlorate considerable
16 distances in short periods of time"; and he agrees that surface water recharges the
17 underground aquifers from which Plaintiffs' wells draw. Ohland Rep. at 24, 41-
18 42.

19 To the extent Ohland disputes Plaintiffs' contentions about this migration
20 pathway, his conclusions are insufficient to create a genuine issue:

21 1. Ohland opines that perchlorate in the amounts recently detected in
22 surface water run-off from the Whittaker-Bermite site would not result in
23 the "concentrations reported in the Plaintiffs' wells." Ohland Rep. at 41-
24 42. *See also* May 27, 2003 Expert Rep. of N. Thomas Sheahan at 7
25 (opining that perchlorate migrating in groundwater from the northwest
26 corner of the Whittaker-Bermite site could not have caused the
27
28

1 *concentration* levels reported in Saugus-1 and Saugus-2).¹⁸ But Plaintiffs
2 need not prove that all the perchlorate in their wells comes from the
3 Whittaker-Bermite site in order for Defendants to be liable either jointly
4 and severally or in contribution for their own equitable share. *See*
5 *Fireman's Fund Ins. Co. v. City of Lodi*, 302 F.3d 928, 945 (9th Cir. 2002)
6 (defendant in cost recovery action under CERCLA § 107 may be held
7 jointly and severally liable for entire cost of clean-up even though it only
8 contributed a fraction of the contamination; defendant in CERCLA
9 contribution action will be liable for its own equitable share).

10 2. Ohland also opines that several other nearby facilities “likely released
11 perchlorate to the environment.” Ohland Rep. at 45. *See also* February 10,
12 2003 Supplemental Ohland Rep. at 8 (discharges from nearby wastewater
13 treatment plant are a “potential source” of perchlorate in Plaintiffs’ wells).
14 However, the relevance of this opinion to Defendants’ ability to disprove
15 causation is fatally undermined by Ohland’s ultimate conclusion – namely,
16 that it is not possible, based on currently available data to “determine the
17 source of perchlorate reported in Plaintiffs’ wells” or to determine which of
18 the potential migration pathways from alternative sources conveyed
19 perchlorate to Plaintiffs’ wells. Ohland Rep. at 39, 45. *See Westfarm*, 66
20 F.3d at 682 (expert testimony that “[c]urrent evidence [did] not substantiate
21 [defendant] as a source of PCE contamination” insufficient to create a
22 genuine issue of material fact).

23 In sum, Ohland’s expert opinion comes down to this: (1) perchlorate might have
24 migrated from the Whittaker-Bermite site to Plaintiffs’ wells via surface water
25 and subsequent infiltration, but surface water migration alone likely could not
26 cause *all* of the contamination in Plaintiffs’ wells and (2) other nearby facilities

27
28 ¹⁸Defendants’ *Ex Parte* Application for leave to file the supplemental Sheahan
declaration and report is GRANTED and the Court has considered Sheahan’s

1 might have released perchlorate in the direction of Plaintiffs' wells, but it is
2 impossible to determine sources based on available data. Because neither of
3 these opinions indicates that Defendants can *disprove* that the Whittaker-Bermite
4 site was *a cause* of perchlorate contamination in Plaintiffs' wells, Defendants
5 have failed to create a genuine issue of material fact that would preclude
6 summary judgment for the Plaintiffs.

7 4. *Are Defendants within the Classes of Persons Liable under*
8 *CERCLA?*

9 This question is easily answered as to two of the Defendants – SCLLC and
10 Whittaker:

11 SCLLC is the current owner of the Whittaker-Bermite site. August 26 SGI
12 ¶ 44. This is sufficient under CERCLA, which imposes liability on the current
13 owner of a facility. 42 U.S.C. § 9607(1).

14 Whittaker owned and operated the site from 1967 to January, 1999.
15 August SGI ¶ 46. As a former owner, Whittaker is liable if it owned the site “at
16 the time of disposal of any hazardous substance.” 42 U.S.C. § 9607(2).
17 “CERCLA defines ‘disposal’ for purposes of § 9607(a) with reference to the
18 definition of ‘disposal’ in RCRA, see 42 U.S.C. § 9601(29), which in turn defines
19 ‘disposal’ as follows:

20 The term ‘disposal’ means the discharge, deposit, injection,
21 dumping, spilling, leaking, or placing of any solid waste or
22 hazardous waste into or on any land or water so that such solid
23 waste or hazardous waste or any constituent thereof may enter
24 the environment or be emitted into the air or discharged into any
25 waters, including ground waters.”

26 *Carson Harbor Village, Ltd. v. Unocal Corp.*, 270 F.3d 863, 875 (9th Cir. 2001)
27 (quoting RCRA, 42 U.S.C. § 6903(3)).

28 The Peach declaration establishes that Whittaker owned the site when a
disposal of perchlorate occurred. As recounted above, Peach declares that during
his employment at the Whittaker-Bermite facility perchlorate was regularly
delivered to the site, waste containing perchlorate was disposed of in burn pits

1 and perchlorate chemicals and perchlorate containing waste periodically spilled
2 onto the ground at the site. Peach Decl. ¶¶ 3-7.

3 The liability of Defendant RFI presents more difficult questions.
4 Plaintiffs contend that Defendant RFI is liable as the current operator of the
5 Whittaker-Bermite site. RFI is the sole managing member of SCLLC, the present
6 owner of the site, and Plaintiffs rely on the operator theory of liability elaborated
7 in *United States v. Bestfoods*, 524 U.S. 51, 67-73 (1998), to argue that RFI is
8 liable. In opposition, RFI directs the Court's attention to a motion for summary
9 judgment it filed on this very issue and to the evidence filed in support of that
10 motion. However, RFI later withdrew its summary judgment motion after the
11 Court directed the parties to consider carefully each side's respective Fed. R. Civ.
12 P. 56(f) requests; Plaintiffs had opposed RFI's motion at least in part based on
13 Rule 56(f). For that reason, the Court believes it would be inappropriate to rule
14 on the issue of RFI's liability at this time. It would not be fair to grant judgment
15 against RFI when the withdrawal of RFI's motion (at the Court's own suggestion)
16 has deprived it of any defense.

17 Thus, Plaintiffs' motion is denied as to RFI without prejudice to Plaintiffs'
18 or RFI's moving again for summary judgment on this issue at a later date.

19 *5. Summary of Ruling and Request for Additional Discovery*

20 For the foregoing reasons, Plaintiffs are entitled to summary adjudication
21 in their favor on the following issue: Are Defendants Whittaker and SCLLC
22 liable to Plaintiffs for those response costs Plaintiffs have incurred that are later
23 determined to have been necessary and consistent with the NCP?¹⁹ The answer
24 is: yes.

25 Defendants' request for additional time to conduct discovery, Fed. R. Civ.
26 P. 56(f), is DENIED. In his declaration, Matthew Clark Bures states that

27
28 ¹⁹As discussed in the Conclusion below, this order does not decide whether
Plaintiffs' CERCLA claims are actually for cost recovery under 42 U.S.C. § 9607(a)

1 Defendants seek additional information regarding two monitoring wells, MW-1
2 and MW-2, and the Stadium Well. May 12, 2003 Decl. of Matthew Clark Bures
3 Decl. ¶ 8. But the Court has not considered any of Plaintiffs' claims as to
4 perchlorate contamination in the Stadium Well in ruling on these motions, and
5 defense expert Ohland already has offered his opinion that the detection of
6 perchlorate at MW-2 supports Defendants' case. See February 10, 2003
7 Supplemental Expert Rep. of Grant L. Ohland at 7-8. Defendants have not
8 explained how the additional data they seek is "essential" to resisting Plaintiffs'
9 motion. *State of California v. Campbell*, 138 F.3d 772, 780 (9th Cir. 1998).

10 Bures also declares that Defendants seek additional data regarding the
11 Army Corps of Engineers study of contamination in the Santa Clara Valley.
12 Bures Decl. ¶ 9. But Defendants obtained the Army Corps' Technical
13 Memorandum No. 1 after filing the Bures declaration, and the Court has
14 considered Sheahan's recently filed opinion regarding that Memorandum in
15 ruling on this motion.

16 B. Plaintiffs' Public Nuisance Claim

17 A nuisance affecting "an entire community or neighborhood, or any
18 considerable number of persons" is a public nuisance. Cal. Civ.Code § 3480.
19 Polluted groundwater is a public nuisance under California law, *State of*
20 *California v. Campbell*, 138 F.3d 772, 780 (9th Cir. 1998), and in this case,
21 numerous tests have demonstrated that perchlorate is present in the groundwater
22 underneath the Whittaker-Bermite site. See, e.g., Figure 1 attached to May 27,
23 2003 Sheahan Rep. Thus, the only questions remaining as to Plaintiffs' public
24 nuisance claims are (1) whether Plaintiffs are parties authorized to sue for
25 abatement of a public nuisance and (2) whether Plaintiffs' claims are barred by
26 the applicable statute of limitations.

27 1. *Who May Bring a Public Nuisance Claim?*

28 Actions to abate a public nuisance may be maintained either by a public

1 the nuisance. Cal. Civ. Code § 3493, § 3494. When an authorized public agency
2 sues to abate a public nuisance, no statute of limitations applies. Cal. Civ. Code §
3 3490. However, a private party's suit for public nuisance is subject to the three-
4 year statute of limitations in Cal. Code Civ. Proc 338(b). *Mangini v. Aerojet-*
5 *General Corp.*, 230 Cal.App.3d 1125, 1142-43 (1991) [hereinafter "*Mangini I*"].

6 (a) Authorized public bodies

7 Plaintiffs contend that Newhall and Castaic are public bodies authorized by
8 law to maintain claims for public nuisance. Newhall is a water district
9 established under California's County Water District Law, Cal. Water Code §
10 30000, and Castaic is a water agency created pursuant to its own enabling act, the
11 Castaic Lake Water Agency Act, Cal. Water Code App. § 103-1 *et seq.* Newhall
12 and Castaic both have the power to sue and be sued, and Newhall in particular has
13 the power to institute "actions and proceedings to prevent interference with or
14 diminution of the . . . natural subterranean supply of waters which may [b]e used
15 or be useful for any purpose of the district." Cal. Water Code § 31082.

16 In a very recent case, however, the California Court of Appeal held that
17 only public bodies *explicitly* authorized to abate a public nuisance may do so.
18 *Lamont Storm Water District v. Pavich*, 78 Cal.App.4th 1081 (2000). The
19 plaintiff in *Lamont*, a storm water district created pursuant to the Storm Water
20 District Act of 1909, Cal. Water Code App. § 13-1 *et seq.*, had the power to sue
21 and be sued and to "do any and all other acts and things necessary or required for
22 the protection of the lands in said district from damage from storm waters and
23 from waters of any innavigable stream, watercourse, canyon or wash . . ." 78
24 Cal.App.4th at 1084.

25 But the appellate court found this seemingly expansive language not to be
26 dispositive, explaining that "when the Legislature has intended to grant the power
27 to abate a nuisance, it has done so specifically and in clear terms." *Id.* For
28 example, § 731 of the California Civil Procedure Code specifically gives county

1 § 2060 of the California Health and Safety Code gives Mosquito Abatement and
2 Vector Control Districts the authority to abate public nuisances. Noting the
3 absence of any similar provision in the Storm Water District Act, the *Lamont*
4 court held that the plaintiff district could not maintain a public nuisance action.
5 78 Cal.App.4th at 1086.

6 Under California's statutory scheme and precedent, *Lamont* is
7 supportable. No court has reached an opposite conclusion or rejected it. This
8 Court is bound by decisions of California's intermediate appellate courts absent
9 "convincing evidence" that the California Supreme Court would decide the issue
10 differently. *In re Watts*, 298 F.3d 1077, 1082 (9th Cir. 2002). Thus, guided by
11 *Lamont*, the Court concludes that Newhall and Castaic are not public bodies
12 specifically authorized to abate a public nuisance.

13 (b) Specially injured parties

14 Private plaintiffs like Santa Clarita and Valencia may have standing to
15 bring a public nuisance action if they have been specially injured by the nuisance.
16 Cal. Civ. Code § 3494. In this case, both Santa Clarita and Valencia have
17 proffered evidence that they sampled their wells near the Whittaker-Bermite site
18 for perchlorate at the request of the California Department of Health Services.
19 DiPrimio Decl. ¶ 2; Manetta Decl. ¶ 3. This type of monitoring qualifies as a
20 special injury sufficient to establish these Plaintiffs' standing to sue. *See Mangini*
21 *I*, 230 Cal.App.3d at 1137-38.

22 2. Statute of Limitations

23 A three-year statute of limitations applies to Santa Clarita's and
24 Valencia's public nuisance claims. *Mangini I*, 230 Cal.App.3d at 1142. The
25 effect of the statute on Plaintiffs' claims depends on whether the nuisance they
26 allege is "permanent" or "continuing":

27 In general, a permanent nuisance is considered to be a permanent
28 injury to property for which damages are assessed once and for
all, while a continuing nuisance is considered to be a series of
successive injuries for which the plaintiff must bring successive

1 limitations begins to run on the creation of the nuisance and bars
2 all claims after its passage, while each repetition of a continuing
3 nuisance is considered a separate wrong which commences a new
period in which to bring an action for recovery based upon the new
injury.

4 *Beck Development Co. v Southern Pacific Transportation Co.*, 44 Cal.App.4th
5 1160, 1216-17 (1996).

6 The nuisance Plaintiffs complain of in this case is the perchlorate
7 contamination on the Whittaker-Bermite site. Plaintiffs contend that perchlorate
8 was released at the site as a result of the explosives manufacturing process.
9 Plaintiffs themselves offer evidence that active operations at the site ceased in
10 1987. *See* Exh. A to July 9, 2002 Gee Decl. at 26 (“The Whittaker-Bermite
11 facility is a former munitions and explosives manufacturing site that was in
12 operation from 1934 until 1987.”). *See also* August 26 SGI ¶ 2, ¶ 3. Plaintiffs
13 thereafter learned of contamination in their wells, in the Spring of 1997 –
14 admittedly more than three years before they filed this complaint. *See* July 29,
15 2002 SGI (filed in opposition to Defendants’ Motion for Summary Judgment on
16 Plaintiffs’ Fourth, Sixth, Seventh and Eighth Claims for Relief) ¶ 7.²⁰ Given
17 these facts, Plaintiffs’ nuisance claims are barred if contamination at the
18 Whittaker-Bermite site is viewed as a permanent nuisance. *See Mangini I*, 230
19 Cal.App.3d 1145 n.13 (plaintiffs’ claims barred if for permanent nuisance where
20 defendant used toxic substances – including ammonium perchlorate – on property
21 from 1960 to 1970, plaintiffs had notice of contamination in 1984, and plaintiffs
22 filed suit in 1988).

23 Plaintiffs may still be entitled to summary judgment, however, if the
24 Whittaker-Bermite contamination is viewed as a continuing nuisance. In *Mangini*
25 *v. Aerojet-General Corp.*, 12 Cal.4th 1087, 1097 (1996) [hereinafter *Mangini II*],
26 the California Supreme Court, adopting the lower appellate court’s opinion,
27

28 ²⁰This SGI was filed in opposition to a defense motion that has since been

1 explained that the “crucial test of the permanency of a trespass or nuisance is
2 whether the trespass or nuisance can be discontinued or abated.”

3 Plaintiffs have proffered no evidence of abatability in support of their
4 summary judgment motion.²¹ Because Plaintiffs briefed this issue in opposition
5 to Defendants’ now-withdrawn statute of limitations motion, however, the Court
6 also has reviewed the evidence Plaintiffs submitted on that motion. For example,
7 Plaintiffs point to the deposition of Robert J. DiPrimio as support for their
8 continuing nuisance claim. DiPrimio did testify during deposition about a
9 potential \$36 million treatment program for water drawn from Plaintiffs’ wells,
10 DiPrimio Dep. (attached as Exh. B to the Yamamoto Decl. filed in opposition to
11 Defendants’ statute of limitations motion) at 150:12-151:9, but there is no
12 evidence that this treatment facility would abate the actual nuisance – namely, the
13 underground contamination emanating from the Whittaker-Bermite site. Mr.
14 Manetta also testified that there is “technology to abate the problem in the
15 groundwater off the site,” Manetta Dep. (attached as Exh. C to the Yamamoto
16 Decl.) at 235:12-23, but the California Supreme Court has rejected the contention
17 that “mere technological feasibility proves abatability.” *Mangini II*, 12 Cal.4th at
18 1099 (adopting opinion of California Court of Appeal).

19 3. Summary of Ruling

20 Plaintiffs are not entitled to summary judgment on their public nuisance

21
22 ²¹Although abatability might be viewed as an element of Defendants’ statute
23 of limitations affirmative defense, those California courts that have addressed the
24 issue have viewed the continuing (*i.e.* abatable) nature of a nuisance as an element of
25 the plaintiff’s case. *Beck Development Co.*, 44 Cal.App.4th at 1217 (“A plaintiff
26 cannot simply allege that a nuisance is continuing in order to avoid the bar of the
27 statute of limitations, but must present evidence that under the circumstances the
28 nuisance may properly be considered continuing rather than permanent.”); *Mangini*
II, 12 Cal.4th at 1096-97 (noting that the lower court had treated abatability as an
element of the plaintiff’s case but declining to decide proper burden of proof).
Plaintiffs themselves have pled abatability as an element of their nuisance claims

1 claims, and because the same statute of limitations analysis also applies to
2 Plaintiffs' private nuisance claims, *see Beck, supra* (private nuisance claim),
3 Plaintiffs' motion is denied as to those claims as well.

4 **WHITTAKER'S MOTION FOR SUMMARY JUDGMENT ON ITS** 5 **COUNTERCLAIMS**

6 Each of the Defendants has counterclaimed against each of the Plaintiffs
7 for a declaratory judgment under § 107(a) and for contribution under CERCLA
8 §§ 107(a) and 113(f). Whittaker now moves for summary judgment on its
9 counterclaim against the Plaintiffs/Counter-Defendants [hereinafter "Counter-
10 Defendants"] for contribution.

11 **I. Elements of Whittaker's *Prima Facie* Case**

12 In order to succeed on its contribution claims, Whittaker must establish that
13 (1) perchlorate is a hazardous substance;²² (2) there has been a release of
14 perchlorate at Counter-Defendants' facilities; (3) the release caused Whittaker to
15 incur necessary response costs consistent with the NCP; and (4) Counter-
16 Defendants are proper CERCLA defendants.²³ *See California v. Campbell*, 319
17 F.3d 1161, 1165 (9th Cir. 2003); *Bedford Affiliates v. Sills*, 156 F.3d 416, 427 (2d
18 Cir. 1998). Whittaker must support its motion with evidence that would entitle it
19 to a directed verdict on these elements. *C.A.R. Transportation Brokerage Co.,*
20 *Inc. v. Darden Restaurants, Inc.*, 213 F.3d 474, 480 (9th Cir. 2000) (citations
21 omitted).

22 In the briefs filed on Whittaker's motion, Counter-Defendants only dispute
23 the second element listed above; they contend that their sites are not "facilities."

24 A. Are NC-11, Saugus-1, Saugus-2 and VWC-157 CERCLA Facilities?

25
26 ²²This element of Whittaker's *prima facie* case need not be considered in detail
27 here because the analysis found above at pages 7 through 9 is applicable to
28 Whittaker's motion.

²³The Court will not address necessity and consistency with the NCP in this

1 Whittaker contends that the wells owned by Counter-Defendants Newhall,
2 Santa Clarita and Valencia are CERCLA facilities. The statute's definition of the
3 term "facility" explicitly includes wells, 42 U.S.C. § 9601(9), and this plain
4 language analysis would appear to resolve the issue. Nonetheless, Counter-
5 Defendants contend that their wells are covered by the limited exception to the
6 definition of facility for "any consumer product in consumer use or any vessel."
7 *Id.* As support for this position, Counter-Defendants rely almost entirely on
8 *Vernon Village, Inc. v. Gottier*, 755 F.Supp. 1142 (D. Conn. 1990) (Cabranes, J.).

9 The plaintiff in *Vernon Village* was a resident of a trailer park that bordered
10 a polluted industrial site. 755 F.Supp. at 1145. The trailer park, the High Manor
11 Mobile Home Park ("High Manor Park"), owned and operated a system of wells
12 and pipes used to supply drinking water to High Manor Park residents. *Id.*
13 Chromium from the neighboring industrial site, the Hillside Industrial Park
14 ("Hillside"), traveled downgradient and contaminated High Manor's wells. *Id.*
15 The plaintiff brought suit against, and eventually reached a settlement with,
16 Precision Plating Corp. ("Precision") – the company located at Hillside that had
17 actually been the source of the groundwater contamination. *Id.* at 1145-46. The
18 plaintiff then brought suit against the company that owned High Manor Park (and
19 the company's president) for failing to monitor the Park's water supply. *Id.* at
20 1146.

21 The district court granted summary judgment in the defendants' favor on
22 plaintiff's CERCLA claim. Although the court noted that the defendants' wells
23 appeared at first to fall squarely within CERCLA's definition of facility, the court
24 ultimately concluded that the drinking water provided to plaintiff from the wells
25 was a "consumer product in consumer use," and that the defendants could not be
26 liable for contaminants contained in such a product. *Id.* at 1151.

27 This Court is not bound by district court opinions in another circuit, and the
28 Court finds the analysis in *Vernon Village* unpersuasive. First, the *Vernon*

1 on the wells themselves. See 42 U.S.C. § 9601(9) (“facility” defined to include
2 wells). This distinction made some sense in the context of the *Vernon Village*
3 plaintiff’s case because her suit was based on contamination in water that was
4 actually delivered to her home as a consumer product through the defendants’
5 well and pipe system. *Id.* at 1149. But the same distinction does not make sense
6 here. This case is not brought by parties who actually receive Counter-
7 Defendants’ water as a consumer product; unlike the contaminated water that
8 sparked the *Vernon Village* suit, here the water is not a product currently made
9 available to consumers for their use.

10 The *Vernon Village* holding also presents a conceptual difficulty. As a
11 practical matter, CERCLA cases involving wells claimed to be facilities will
12 likely always, or almost always, actually be about the water drawn from those
13 wells. The inclusion of “well” within CERCLA’s definition of “facility” would
14 have little meaning if well *water* were always considered entirely separately.
15 Indeed, several of the terms included in the definition of facility – for example,
16 “pipe,” “pit,” “pond,” “lagoon,” “ditch” and “landfill” - would be stripped of
17 significance if a similar hypertechnical analysis were applied to them.

18 In addition, *Vernon Village* rests on a weak precedential foundation. The
19 court’s analysis drew quite heavily on a Fifth Circuit case, *Dayton Indep. Sch.*
20 *Dist. v. U.S. Mineral Prods. Co.*, 906 F.2d 1059 (5th Cir. 1990). *Dayton* held that
21 asbestos manufacturers and suppliers could not be liable for costs incurred in
22 removing asbestos from school buildings on the theory that they had “arranged
23 for [asbestos] disposal or treatment.” 906 F.2d at 1064 (quoting 42 U.S.C. §
24 9607(a)). The Fifth Circuit reasoned that the defendants’ acts – which amounted
25 to the installation of asbestos in school buildings – could not be considered
26 “disposal” of asbestos. *Id.* The court also went on to express doubt whether any
27 CERCLA “facility” was involved in the case, explaining that CERCLA was not
28 intended to target “legitimate manufacturers or sellers of useful products.” *Id.* at

1 1065.²⁴

2 In the years since *Vernon Village*, the Fifth Circuit has reviewed its broad
3 language in *Dayton* and has limited the holding of that case to its specific facts.
4 See *Uniroyal Chemical Co., Inc. v. Deltech Corp.*, 160 F.3d 238 (5th Cir. 1999).
5 In *Uniroyal*, the Fifth Circuit first rejected an argument, based on language in
6 *Dayton*, that CERCLA applies only to inactive or abandoned hazardous waste
7 sites.²⁵ *Id.* at 248-49 (rejecting contrary holdings in several district court cases,
8 including *Vernon Village*). As to CERCLA's consumer product exception,
9 *Uniroyal* next explained that *Dayton* depended almost entirely on the "dispos[al]"
10 requirement in § 9607(a)(3) – a requirement not found in the section of the
11 statute, § 9607(a)(1), on which Whittaker's claims are based. *Id.* at 251-52. And
12 because *Dayton*'s commentary on the consumer product exception was *dicta* not
13 supported by any specific citation to case law or legislative history, the Fifth
14 Circuit has now limited *Dayton*'s holding to the very specific issue addressed in
15 that case – the claimed right of recovery in asbestos removal cases. *Id.* at 252
16 n.16. Given this limitation, *Dayton* cannot provide sound support for the holding

18
19 ²⁴In full, the *Dayton* court's analysis was as follows:

20 It is clear that Congress did not intend CERCLA to target legitimate
21 manufacturers or sellers of useful products. Rather, taken in context, the
22 provision reflects Congress' desire to hold liable those who would attempt to
23 dispose of hazardous wastes or substances under various deceptive guises in
24 order to escape liability for their disposal.

25 The legislative history reinforces [the] argument that Congress intended to
26 provide recovery only for releases or threatened releases from inactive and
27 abandoned waste sites, not releases from useful consumer products in the
28 structure of buildings.

Id. at 1065-66 (footnote omitted).

²⁵The Court finds it disturbing that Counter-Defendants quote extensively from
Dayton in their Memorandum (albeit by way of an indirect quotation through *Vernon
Village*) without mentioning the Fifth Circuit's later consideration of that case in

1 in *Vernon Village* (or for Counter-Defendants' position here).²⁶

2 Finally, *Vernon Village* is unpersuasive because the *Vernon Village* court
3 appears to have been influenced in its analysis of the definition of "facility" by
4 the relative blamelessness of the defendants in that case. Indeed, the court
5 explained its reasoning as follows:

6 Despite the apparent plausibility of plaintiff's argument that defendants
7 own and operate a "facility"--after all, they do own
8 wells, pipes and equipment for supplying water to the residents
9 of the park--CERCLA is simply not the appropriate legal
10 instrument with which to challenge the conduct of the defendants
11 in this case. Defendants were as much "victims" of the
12 contamination of the soil and groundwater at the Hillside
13 Industrial Park as was the plaintiff. They have in no way
14 caused or contributed to the release of the hazardous substances
15 into the drinking water supply.

16 755 F.Supp. at 1151 (footnote omitted).

17 In this case, too, Counter-Defendants argue that they are essentially blameless.

18 But that argument applies to Counter-Defendants' "innocent landowner" defense.

19 It is within the context of that statutorily-provided defense – not with respect to
20 the otherwise clear definition of "facility" – that Counter-Defendants' innocence
21 argument finds its proper home.²⁷

22 ²⁶The same is true for the Ninth Circuit's leading asbestos removal case, *3550*
23 *Stevens Creek Assoc. v. Barclays Bank of California*, 915 F.2d 1355 (9th Cir. 1990),
24 which reached a result similar to that reached by the Fifth Circuit in *Dayton*. In *3550*
25 *Stevens Creek*, the Ninth Circuit held that use of asbestos in building construction
26 could not be considered "disposal" within the meaning of 42 U.S.C. § 9607(a)(2),
27 which establishes PRP liability for past owners or operators who owned the facility in
28 question at the time of waste disposal. 915 F.2d at 1362. *3550 Stevens Creek* is of
even less help to Counter-Defendants than *Dayton* might have been (at least pre-
Uniroyal) because it nowhere addressed the consumer product exception.

²⁷Moreover, once liability is determined, the Court will apply principles of
equity to allocate costs among PRPs. Counter-Defendants' claimed blamelessness
would be relevant at that stage if Counter-Defendants ultimately are held to be PRPs.
See Cadillac Fairview/California Inc. v. Dow Chemical Co., 299 F.3d 1019, 1025
(9th Cir. 2002) (district courts will consider equitable factors in allocating costs

1 Counter-Defendants also cite *City of Portland v. Boeing*, 179 F.Supp.2d
2 1190, 1201 (D. Or. 2001) as support for their position.²⁸ The defendant-polluters
3 in that case argued that the plaintiffs were themselves PRPs because they owned
4 contaminated wells. The court rejected that argument because the defendants
5 provided no evidence that the plaintiffs' well contamination caused defendants to
6 incur response costs – an element essential to CERCLA liability. *Id.* Thus, *City*
7 *of Portland* turned on the response cost element of CERCLA's *prima facie* case –
8 an element this Court will consider below – not simply on the fact that the
9 plaintiffs were passive well owners.

10 Counter-Defendants argue more generally that they cannot be liable under
11 CERCLA because their wells are not “abandoned and inactive hazardous waste
12 disposal sites.” Mem. at 3. Counter-Defendants contend that achieving the
13 cleanup of such sites was CERCLA's only aim. But Counter-Defendants'
14 reliance on an isolated quotation from the legislative history is unpersuasive in
15 light of the enacted statute's broad definition of facility. Moreover, those
16 appellate courts to have considered Counter-Defendants' argument have rejected
17 it. See *Uniroyal*, 160 F.3d at 248-49, *Axel Johnson, Inc. v. Carroll Carolina Oil*
18 *Co., Inc.*, 191 F.3d 409, 419 (4th Cir. 1999).

19 In sum, the Court concludes that NC-11, VWC-157, Saugus-1 and Saugus-
20 2 fall within CERCLA's definition of “facility.”

21 B. Is the “Valley's Groundwater” a Facility?

22 CERCLA's definition of “facility” includes any “site or area where a
23 hazardous substance has . . . come to be located.” 42 U.S.C. § 9601(9). In its
24

25
26 ²⁸At oral argument, counsel for Counter-Defendants relied on one additional
27 case, *Reading Co. v. City of Philadelphia*, 823 F.Supp. 1218 (E.D. Penn. 1993).
28 *Reading* is of no aid to Counter-Defendants. The *Reading* court held the consumer
product exception *inapplicable* in that case and, in fact, explained that the exception
was intended to protect “individual consumers.” 823 F.Supp. at 1223 (emphasis

1 motion papers, Whittaker argues vaguely – and without analysis or case citation –
2 that the “Valley’s groundwater” is a “facility.” Although Counter-Defendants do
3 not specifically take issue with this argument, the Court rejects it. Groundwater
4 is neither a “site” nor an “area,” at least as those terms are commonly understood.
5 *See Webster’s Third New International Dictionary* (defining “site” as “the
6 original or fixed position of a thing,” “the local position of a building, town,
7 monument or similar work . . .,” *etc.*; defining “area” as “a level or relatively level
8 piece of unoccupied or unused ground” or “a definitely bounded piece of ground
9 set aside for a specific use or purpose”). Nor has Whittaker identified with *any*
10 specificity the boundaries of this suggested “facility.” Although the definition of
11 “facility” is broad, Whittaker’s unsupported assertion that the “Valley’s
12 groundwater” can be understood as a facility stretches the definition beyond
13 reason and defies common sense.

14 C. Was there a Release or Threatened Release of a Hazardous
15 Substance?

16 CERCLA defines release as “any spilling, leaking, pumping, pouring,
17 emitting, emptying, discharging, injecting, escaping, leaching, dumping, or
18 disposing into the environment.” 42 U.S.C. § 9601(22). In this case, Counter-
19 Defendants themselves contend that perchlorate has spread from other locations
20 to contaminate the water in their wells. Indeed, as discussed above, perchlorate
21 has been detected at the Newhall, Santa Clarita and Valencia wells.

22 Given these facts, the question before this Court is whether the passive
23 migration of contaminant from another source into Counter-Defendants’ wells
24 constitutes a release at the wells.²⁹ The Court concludes that it does.

25 As noted above, CERCLA’s definition of “release” includes the term
26

27
28 ²⁹Elsewhere in its papers Whittaker also contends that perchlorate might have
leaked through Plaintiffs’ wells from one groundwater level to another, but Whittaker

1 “leaching.”³⁰ Both the Second and Third Circuits have recognized that because
2 the term “leaching” is “commonly used to describe passive migration,” *ABB*
3 *Industrial Systems, Inc. v. Prime Technology, Inc.*, 120 F.3d 351, 358 (2d Cir.
4 1997), the inclusion of “leaching” within CERCLA’s definition of “release”
5 indicates that passive migration constitutes a “release.” *Id.*; *United States v.*
6 *CDMG Realty Co.*, 96 F.3d 706 (3d Cir. 1996). In *CDMG Realty*, the Third
7 Circuit emphasized the term “leaching” in explaining the differences between
8 CERCLA’s definitions of “release” and “disposal”:

9 Most importantly, the definition of “release” includes the term
10 “leaching,” which is not mentioned in the definition of “disposal.”
11 “Leaching” is “the process or an instance of separating the soluble
12 components from some material by percolation.” [citation omitted].
13 Leaching of contaminants from rain and groundwater movement is
14 a principal cause of contaminant movement in landfills, [citation
15 omitted], and is the predominant cause of groundwater contamination
16 from landfills, [citation omitted]. The word “leaching” is commonly
17 used in the environmental context to describe this migration of
18 contaminants. *See, e.g.,* Steven Ferrey, *The Toxic Time Bomb: Municipal Liability for the Cleanup of Hazardous Waste*, 57 *Geo.*
19 *Wash. L.Rev.* 197, 207 n. 34 (1988) (“Leachate is liquid or water
20 soluble contaminated substances that migrate away from the point
21 source of contamination in groundwater or surface water, often
22 influenced by rain and normal water table activities. Such a phe-
23 nomenon is described as ‘leaching’ of contaminants.”). Congress’s
24 use of the term “leaching” in the definition of “release” demonstrates
25 that it was aware of the concept of passive migration . . . and that it
26 knew how to explicitly refer to that concept.

19 *CDMG Realty*, 96 F.3d at 715 (footnote containing additional citations omitted).

20 The Ninth Circuit has never decided whether CERCLA’s definition of
21 “release” – including the term “leaching” – covers contaminant migration. In
22 *Carson Harbor Village, Ltd. v. Unocal Corp.*, 270 F.3d 863, 878-79 (9th Cir.
23 2001), the Ninth Circuit held that passive migration does not constitute a
24 “disposal” under CERCLA, but in reaching that conclusion the court specifically
25 noted that the definition of “disposal,” unlike “release,” does not include the term
26

27 ³⁰Webster’s Third New International Dictionary defines “leaching” as “the
28 process or an instance of separate the soluble components from some material by
percolation.” “Leachate” is defined as “the liquid that has percolated through soil or

1 “leaching.” *Id.* at 878 (“[W]e can conclude that ‘release’ is broader than
2 ‘disposal,’ because the definition of ‘release’ includes ‘disposing’ (also, it
3 includes ‘passive’ terms such as ‘leaching’ and ‘escaping,’ which are not included
4 in the definition of ‘disposal’).”). The appellate court also suggested that the
5 inclusion of “leaching” in the definition of “release” may encompass passive
6 migration, although that issue was not before the court: “If we try to characterize
7 . . . passive soil migration in plain English, a number of words come to mind,
8 including gradual ‘spreading,’ ‘migration,’ ‘seeping,’ ‘oozing,’ and possibly
9 ‘leaching.’” *Id.* at 879.

10 In light of the persuasive analyses of the term “leaching” in *ABB Industrial*
11 *Systems* and *CDMG Realty*, the Court concludes that “leaching” includes the
12 passive migration of contaminant and that, as a result, a “release” within the
13 meaning of 42 U.S.C. § 9601(22) has occurred at Counter-Defendants’ wells.

14 D. Did Whittaker Incur Response Costs?

15 Whittaker contends that it has incurred recoverable costs in response to
16 Counter-Defendants’ well contamination because it has “undertaken an extensive
17 and exhaustive search for other PRPs who may be responsible for some of the
18 contamination detected in [the] wells.” July 29 SGI ¶ 18.³¹ As evidentiary
19 support for this contention, Whittaker points to the expert report of G. Richard
20 Rees. Rees is a hydrogeologist hired by Whittaker as a consultant. As part of his
21 work for Whittaker, Rees conducted a search for “businesses that may have used
22 perchlorate in the vicinity of [Plaintiffs’] wells.” May 13, 2002 Expert Rep. of G.
23 Richard Rees at 3.

24 In *Key Tronic Corp. v. United States*, 511 U.S. 809 (1994), the Supreme
25

26 ³¹ Counter-Defendants do not dispute that Whittaker has undertaken such a
27 search. Instead, they argue that the search was unnecessary because Defendant Santa
28 Clarita already had done much of the work. This argument goes to the necessity of
Whittaker’s response costs and will be considered later when the Court addresses

1 Court considered whether attorneys' fees may appropriately be recovered as a
2 CERCLA response cost. Although *Key Tronic* is not directly on point here
3 because Whittaker has (at least so far) not identified attorneys' fees as response
4 costs, the Supreme Court's analysis in *Key Tronic* is relevant because it also
5 involved consideration of PRP search costs. *Key Tronic* held that CERCLA
6 plaintiffs cannot recover attorneys' fees incurred in exclusively litigation-related
7 matters but that costs (including attorneys' fees) incurred in connection with a
8 search for other PRPs may be recovered. 511 U.S. at 819-21. The Supreme
9 Court explained its result by noting that a search for PRPs serves CERCLA's
10 statutory purpose because it leads to the identification of responsible parties and
11 thereby speeds and encourages complete clean-ups.³² *Id.*

12 Recent cases considering the recoverability of retained consultants' PRP
13 search costs have cited *Keytronic* as support for the proposition that such costs
14 are recoverable even if they serve not only a statutory purpose, but a litigation-
15 related purpose as well. See *Sealy Connecticut, Inc. v. Litton Industries, Inc.*, 93
16 F.Supp.2d 177, 190-91 (D. Conn. 2000); *In re Combustion, Inc.*, 968 F.Supp.
17 1112, 1114 (W.D. La. 1996); *Atlas Minerals and Chemicals, Inc. v. Mabry*, 1995
18 WL 510304, *105-*107 (E.D. Penn. 1995). In other words, the fact that
19 Whittaker likely hired consultants to search for PRPs in the hope that it might one
20 day sue those PRPs for contribution does not preclude Whittaker's recovery of its
21 search costs. Although the Court will determine the precise amount of
22 Whittaker's recoverable response costs at a later stage, the Court finds that under
23 *Key Tronic* Whittaker has presented evidence sufficient to establish that it has
24 //

25
26 ³²These same principles are inapplicable to litigation-related expert fees that are
27 not directed toward identifying *new* PRPs. In *Calabrese v. McHugh*, 170 F.Supp.2d
28 243, 267-68 (D. Conn. 2001), for example, the district court held that expert fees were
not recoverable when they were directed toward providing additional support for

1 incurred some response costs “closely tied to the actual cleanup.” *Key Tronic*,
2 511 U.S. at 820.

3 E. Are Counter-Defendants Proper CERCLA Defendants?

4 This question is easily answered with respect to Newhall, Santa Clarita and
5 Valencia. They are all current owners of the contaminated wells discussed above
6 and thus fall within 42 U.S.C. § 9601(a)(1). July 29, 2002 Statement of Genuine
7 Issues [hereinafter “July 29 SGI”] ¶ 10.

8 Castaic’s status is much less clear. Whittaker does not contend that Castaic
9 owns any of the contaminated well-facilities. Instead, Whittaker cites the
10 Supreme Court’s decision in *United States v. Bestfoods*, 524 U.S. 51 (1998),
11 which addressed the direct and derivative liability of parent companies as
12 “operator[s].” Castaic is the sole owner of Plaintiff Santa Clarita, July 29 SGI ¶
13 12, and Whittaker contends that Castaic is liable as an operator.

14 In *Bestfoods*, the Supreme Court first explained that a corporate parent can
15 be derivatively liable if the corporate veil may be pierced under traditional
16 corporate law principles. 524 U.S. at 63-64. Whittaker makes no veil-piercing
17 argument, however, so this portion of the *Bestfoods* opinion is of little relevance
18 here.

19 *Bestfoods* also explained that a corporate parent may be liable if it *operates*
20 its subsidiary’s facility - that is, if it directs the workings of, manages or conducts
21 the affairs of the facility. *Id.* at 66-67. The mere fact that Castaic is Santa
22 Clarita’s sole owner is insufficient to satisfy this test. *See id.* According to
23 Whittaker, however, Castaic may be held liable because it

24 has been intimately involved in the management of drinking water supplies
25 in the Valley, including acting on environmental and regulatory matters
26 that were undertaken on its own behalf. [Castaic]’s laboratory has served
27 as the water quality laboratory for most of the water purveyors in the Santa
28 Clarita Valley. [Castaic] has had extensive meetings with DHS related to
what DHS would approve in the form of treatment mechanics for
perchlorate. Castaic works very closely with the local water purveyors, and
is engaged in an urban water management plan.

Although this account of Castaic’s activities is undenied, July 29 SGI ¶ 12, it

1 does not constitute evidence that Castaic manages, directs or conducts the
2 operations of Santa Clarita's facilities – its wells. *See Bestfoods*, 524 U.S. at 68
3 (key question is whether the parent company “operates the facility”). Perhaps
4 Whittaker's argument here is a counterpart to its contention that the “Valley's
5 groundwater” is a CERCLA facility, but the Court has already rejected that
6 theory.³³

7 Because Whittaker fails to provide any basis for holding Castaic liable, its
8 motion as to Castaic must be denied. However, the Court will go on to consider
9 the remaining elements of Whittaker's claims against Newhall, Santa Clarita and
10 Valencia.

11 F. The Innocent Landowner Defense

12 Counter-Defendants contend that they are eligible for CERCLA's innocent
13 landowner defense. In order to qualify as innocent landowners, Counter-
14 Defendants must prove (1) that the release or threat of release of hazardous
15 substances was caused solely by the acts of a third party, (2) that the third party
16 was not an employee or agent of the Counter-Defendants, and (3) that the
17 Counter-Defendants exercised due care with respect to perchlorate and took
18 precautions against foreseeable third-party acts or omissions. 42 U.S.C. § 9607.
19 *See also Servco Pacific Inc. v. Dods*, 193 F.Supp.2d 1183, 1197 (D. Hawaii
20 2002). This defense is construed narrowly to further CERCLA's remedial
21 purpose. *Lincoln Properties, Ltd. v. Higgins*, 823 F.Supp. 1528, 1539 (E.D. Cal.
22 1992).

23 Counter-Defendants would bear the burden of proving this affirmative
24

25
26 ³³Even if the Court did consider Valley groundwater a “facility,” the Court
27 could not agree with Whittaker that Castaic's actions relevant to Valley water quality
28 is to reveal its absurdity. Whittaker's argument would make anyone who works to
assure water quality – e.g. a federal agency that acts to force responsible parties to

1 defense at trial, and they must come forward with evidence sufficient to create a
2 genuine issue of material fact as to the innocent landowner defense. *See Digital*
3 *Control Inc. v. McLaughlin Manufacturing Co., Inc.*, 248 F.Supp.2d 1015, 1017
4 (W.D. Wash. 2003) (where non-moving party would bear the burden of proof at
5 trial on an affirmative defense, that party must present evidence establishing a
6 genuine issue of material fact).

7 1. *Caused Solely By Third Parties Who Are Not Employees or*
8 *Agents*

9 The Court concludes that Counter-Defendants have presented evidence
10 sufficient to create a genuine issue as to whether the perchlorate releases at or
11 from their wells were caused solely by third-party acts. Dustan Campbell,
12 Newhall's Superintendent, William J. Manetta, Santa Clarita's President, and
13 Robert J. DiPrimio, Valencia's President, declare that Newhall, Santa Clarita and
14 Valencia have not used, disposed of, or arranged for the disposal of perchlorate.
15 Campbell Decl. ¶¶ 7-8; Manetta Decl. ¶¶ 7-8; DiPrimio Decl. ¶¶ 7-8.³⁴ They also
16 declare that no employees or agents of the Plaintiffs caused the release of
17 perchlorate and that the Plaintiffs do not have any contractual relationship with
18 Whittaker. Campbell Decl. ¶ 9; Manetta Decl. ¶ 9; DiPrimio Decl. ¶ 9.³⁵

19
20 ³⁴These three declarations are attached to Counter-Defendants' July 29, 2002
21 opposition.

22 ³⁵Whittaker objects to these declarations on hearsay grounds because Campbell,
23 Manetta and DiPrimio make these statements based on "personal knowledge and . . .
24 inquiry of other management personnel" working at Newhall, Santa Clarita and
25 Valencia. Campbell Decl. ¶¶ 7-9, Manetta Decl. ¶¶ 7-9, DiPrimio Decl. ¶¶ 7-9. The
26 Court agrees that these declarants cannot introduce others' hearsay statements
27 through their own declarations. Fed. R. Evid. 801. But the Court finds that under
28 Fed. R. Evid. 807, the declarants' additional reliance on their own personal
knowledge, and the familiarity with the Counter-Defendants' records and practices
that their upper-level management positions necessarily entail, provide admissible
evidentiary support for the declarants' statements that is sufficient to create a genuine

1 Whittaker does offer some evidence that pumping at Counter-Defendants'
2 wells may have helped draw perchlorate toward the wells, and that the structure
3 of the Valencia and Newhall wells may have allowed perchlorate entering the
4 wells close to surface level to travel down through the wells to the lower-level
5 Saugus formation. Specifically, Whittaker's expert N. Thomas Sheahan opines:

6 (1) that pumping from Plaintiffs' wells likely caused an "increased vertical
7 flow" of groundwater down from the Alluvial Aquifer into the Saugus
8 Formation, Sheahan Rep. (attached as Exh. C. to the July 10, 2002
9 Vandenburg Decl.) at 35;

10 (2) that pumping from Plaintiffs' wells likely "induc[ed] lateral flow" in the
11 Saugus Formation toward the wells, *id.* at 35-36; and

12 (3) that in the Valencia and Newhall wells, the "Saugus formation is
13 hydraulically connected, by the perforated zones and/or gravel packs in
14 [the] wells, to the overlying alluvial aquifer." *Id.* at 19.

15 As to point (3), Sheahan opines that the Newhall well in particular could act as a
16 conduit for contamination traveling down within the well itself from the alluvial
17 aquifer to the Saugus formation. *Id.* at 22.

18 Plaintiffs respond by pointing to evidence that:

19 (1) the Alluvial Aquifer *naturally* recharges the Saugus, even without any
20 well pumping, *see* July 29 SGI ¶ 2, Ohland Rep. at 25 ("Groundwater in the
21 Alluvial aquifer is . . . a source or recharge to the underlying Saugus
22 Formation.");

23 (2) the *natural* flow of groundwater carries contaminant from the
24 Whittaker-Bermite site to Plaintiffs' wells, *see* List Rep. at 8, Figures 11,
25 12 ("[D]ata show unequivocally that the general direction of flow of
26 groundwater is to the northwest . . ."), Todd Rep. at 8 ("[G]roundwater
27 flow in the Saugus Formation in the vicinity of the Site is to the
28 northwest."); and

1 insignificant compared to the natural recharge. Dep. of Dennis Williams
2 (attached as Exh. H to the July 29, 2002 Gee Decl.) at ¶¶ 18:6-27:15.

3 Judge Levi considered facts quite similar to these in *Lincoln Properties*,
4 *supra*, a case cited by Whittaker itself. In *Lincoln Properties* case, the owner of
5 shopping center from which pollutants had been released sued to recover
6 response costs from San Joaquin County. 823 F.Supp. at 1532. The shopping
7 center owner, Lincoln Properties, Ltd. ("Lincoln"), claimed that the County was
8 partly responsible because the contaminants discharged from the shopping center
9 had leaked from the County's wells and sewer lines. *Id.* Although Judge Levi
10 agreed with Lincoln that there had been releases from the County's facilities, *id.*
11 at 1535-39, he held that the County successfully established its status as an
12 innocent landowner. *Id.* at 1539-44. *See also Fireman's Fund Ins. Co. v. City of*
13 *Lodi*, 302 F.3d 928, 946 (9th Cir. 2002) (citing *Lincoln Properties* and noting, in
14 dicta, that "it is doubtful whether [a defendant] may be considered a PRP merely
15 as a result of operating [a] municipal sewer system").

16 In considering the requirement in 42 U.S.C. § 9607 that to qualify as an
17 innocent landowner the releases had to be caused solely by the acts of third
18 parties, Judge Levi rejected a rule that would have made the defense unavailable
19 to the County simply because the County wells and sewers might have been the
20 site of quite minimal releases. The Court finds Judge Levi's reasoning in support
21 of this conclusion persuasive and provides a rather lengthy quotation here:

22 The phrase "caused solely by" is ambiguous, particularly when read
23 in context of the entire section. . . . [T]he concept of causation is a subtle
24 one in the law and has different meanings in different contexts. One could
25 read the provision strictly such that virtually any evidence of a release from
26 a defendant's facility would preclude assertion of the third party defense,
27 since the release in such case would not be caused "entirely" by third
28 parties. However, this construction, which is similar to "but for" causation
in tort law, would eliminate the [innocent landowner] defense. The defense
is provided to one who is already liable for a release. If the fact of a release
amounts to causation then the defense is a nullity. Moreover, the provision
contemplates that the defendant claiming the defense "exercised due care
with respect to the hazardous substance concerned" and "took precautions."
These aspects of the defense make little sense if causation is interpreted so
literally as to forbid any contact with the hazardous substance which may

1 *Id.* at 1540. After considering several different interpretations of the Clean Water
2 Act's third-party defense, the defense on which CERCLA's innocent landowner
3 provision was based, Judge Levi adopted the following standard:

4 [T]he court holds that "caused solely by," as used in CERCLA,
5 incorporates the concept of proximate or legal cause. If the defendant's
6 release was not foreseeable, and if its conduct--including acts as well as
7 omissions--was "so indirect and insubstantial" in the chain of events
8 leading to the release, then the defendant's conduct was not the proximate
9 cause of the release and the third party defense may be available.

10 *Id.* at 1540-42.

11 Several district courts have adopted the causation standard announced in
12 *Lincoln Properties*. See *Advanced Technology Corp. v. Eliskim, Inc.*, 96
13 F.Supp.2d 715, 718 (N.D. Ohio 2000); *United States v. Meyer*, 120 F.Supp.2d
14 635, 640 (W.D. Mich. 1999); *United States v. Iron Mountain Mines, Inc.*, 987
15 F.Supp. 1263, 1274 (E.D. Cal. 1997). At least one court has instead adopted a
16 "but for" causation standard. *United States v. Poly-Carb, Inc.*, 951 F.Supp. 1518,
17 1530-31 (D. Nev. 1996). And one court appears to have adopted a combination
18 of both. *G.J. Leasing Co., Inc. v. Union Electric Co.*, 854 F.Supp. 539, 567 (S.D.
19 Ill. 1994).

20 No matter which of these standards is applied here, the Court finds that
21 Counter-Defendants have at least created a genuine issue of material fact as to
22 sole causation. Specifically, Counter-Defendants' evidence that neither they nor
23 their agents nor employees used perchlorate supports an inference that any release
24 of perchlorate at the wells was not foreseeable to Plaintiffs. And Counter-
25 Defendants' expert evidence that the effect of pumping from the wells was
26 insignificant compared to the natural flow of contaminant supports an inference
27 either that Counter-Defendants were not a "but for" cause of the releases or that
28 their acts were "so indirect and insubstantial in the chain of events leading to the
29 release" that the innocent landowner defense still should be available to them.
30 *Lincoln Properties*, 823 F.Supp. at 1542 (internal quotation marks omitted).

1 The due care and precautions requirements lend themselves to a combined
2 analysis. For example, the Second Circuit has explained that the precautions
3 requirement “demands that the defendant shall have taken adequate precautions
4 against actions by the third party that would lead to a release of hazardous waste.”
5 *State of New York v. Lashins Arcade Co.*, 91 F.3d 353, 360 (2d Cir. 1996).
6 Similarly, Counter-Defendants can prove that they exercised due care if they
7 “took all precautions with respect to the particular waste that a similarly situated
8 reasonable and prudent person would have taken in light of all relevant facts and
9 circumstances.” *Id.* at 361 (2d Cir. 1996) (quoting H.R. Rep. No. 1016, 96th
10 Cong., 2d Sess., pt. 1, at 34 (1984)). *See also Iron Mountain Mines*, 987 F.Supp.
11 at 1276 (adopting *Lashins Arcade* standard). Such precautions would include
12 “those steps necessary to protect the public from a health or environmental
13 threat.” *Lashins Arcade*, 91 F.3d at 361 (quotation marks and citation omitted).
14 Whether Counter-Defendants exercised due care is a determination that must be
15 made “in light of all relevant facts and circumstances,” 42 U.S.C. § 9607(b)(3),
16 and participation in the development of remedial plans is evidence of due care.
17 *City of Emeryville v. Elementis Pigments, Inc.*, 2001 WL 964230, *9 (N.D. Cal.
18 2001).

19 In this case, Counter-Defendants offer evidence that they: (1) tested their
20 wells for perchlorate contamination, (2) ceased operation of the perchlorate
21 contaminated wells in the drinking system, (3) notified local government bodies
22 of their decision to removal the wells from service, (4) participated in numerous
23 meetings about the Santa Clarita Valley’s perchlorate problem with state agencies
24 and citizen groups, (5) participated in meetings with the Army Corps of Engineers
25 regarding the Corps’ plans to study and characterize the area’s perchlorate
26 pollution problem, and (6) filed this lawsuit to obtain capital necessary for
27 removing the perchlorate pollution. Campbell Decl. ¶¶ 2-6 (for Newhall);
28

1 Manetta Decl. ¶¶ 2-6 (for Santa Clarita); DiPrimio Decl. ¶¶ 2-6 (for Valencia).³⁶
2 Counter-Defendants also offer evidence that their wells were designed and
3 installed in accordance with applicable construction standards at the time,
4 including pollution prevention standards. Decl. of Dennis E. Williams ¶ 3, ¶ 6, ¶
5 10, ¶ 13.³⁷ Finally, Counter-Defendants offer evidence that even experts were not
6 aware of perchlorate as a potential contaminant hazard until after the last of
7 Counter-Defendants' wells was sited in 1988. *See* Goodrich Dep. (attached as
8 Exh. O to July 29, 2002 Gee Decl.) at 46:7-9 (Question: "When you did the
9 studies for these other contaminants [prior to 1997], primarily [volatile organic
10 compounds], why didn't you undertake a study of potential sources of perchlorate
11 contamination?" Answer: "We did not know whether perchlorate was – it wasn't
12 on our radar screen."); Ohland Dep. (attached as Exh. P to July 29, 2002 Gee
13 Decl.) at 154:10-14 (Question: "Was perchlorate contamination even considered a
14 problem in 1986 or '88 for groundwater supplies, to your knowledge? . . ."
15 Answer: "Not to my knowledge.").³⁸

16 Whittaker contends that Counter-Defendants should have done more. For
17 example, Whittaker faults Counter-Defendants for not exercising due care with
18 respect to perchlorate before anyone (even Whittaker's experts) knew perchlorate
19 to be a problem. Reply at 9 ("Plaintiffs cite to their conduct in 1997 and later, but
20 completely fail to present any evidence as to their conduct prior to discovery of
21 perchlorate in their wells."). But Whittaker cites to no authority for such a
22

23 ³⁶Whittaker's evidentiary objections to the cited portions of these declarations
24 are OVERRULED. The declarants' upper-level management positions and their
25 statements that they have personal knowledge of these facts provide sufficient
26 foundation.

27 ³⁷Whittaker's evidentiary objections to the cited portions of the Williams
28 declaration are OVERRULED.

³⁸The objection to this question in the Ohland Deposition as vague and

1 requirement, and even recognizes in its own reply papers that “an innocent
2 landowner is incapable of exercising due care with respect to a particular
3 hazardous substances if the likely presence of that substance is unknown.” Reply
4 at 10. Whittaker’s expert, James A. Goodrich,³⁹ opines that Counter-Defendants
5 failed to exercise due care during the 1980s and 1990s because they did not
6 develop “programs to manage their groundwater resources.” Goodrich Rep. at 3.
7 Goodrich does not explain, however, what such programs would entail or how
8 they would even be related to the problem or potential problem of perchlorate
9 contamination. *See id.*

10 Goodrich also opines that Counter-Defendants should have done more than
11 simply take their wells out of service after discovering contamination. Goodrich
12 states that other water agencies have taken “an active role in understanding and
13 mitigating their groundwater resources problems.” *Id.* at 14. Although Counter-
14 Defendants do not provide evidence that they have begun to destroy their wells,
15 *cf. Lincoln Properties*, 823 F.Supp. at 1544 (defendant took steps to destroy its
16 wells “in a manner intended to prevent the possible flow of contamination
17 through those wells”), they do proffer evidence that they have taken an “active
18 role” in understanding and remediating the perchlorate problem. *See Campbell*
19 *Decl.* ¶¶ 2-6; *Manetta Decl.* ¶¶ 2-6; and *DiPrimio Decl.* ¶¶ 2-6. For example,
20 Counter-Defendants notified local authorities of the perchlorate problem,
21 participated in meetings related to the Army Corps of Engineers study, and filed

22
23 ³⁹Goodrich holds a Bachelor of Science degree in Geology and an
24 interdisciplinary Master of Science degree in Engineering Geology and Water
25 Resources Engineering. He is currently an independent water resources and
26 environmental consultant specializing in water resources management and strategic
27 planning, groundwater recharge systems, conjunctive use planning, aquifer storage
28 and recovery (ASR) systems, and seawater intrusion management. From 1987 to
1992, Goodrich was the Director of Basin Management for the Orange County Water
District, and in 1992, he became executive director of the San Gabriel Basin Water
Quality Authority. Expert Rep. of James A. Goodrich (attached as Exh. F to the July

1 this lawsuit. This evidence is at least sufficient to survive Whittaker's motion for
2 summary judgment.

3 Whittaker cites *Westfarm Associates Limited Partnership v. Washington*
4 *Suburban Sanitary Comm'n*, 66 F.3d 669 (4th Cir. 1995), as support for its
5 position, but *Westfarm* actually does little to help Whittaker's case. The Fourth
6 Circuit did hold in *Westfarm* that "CERCLA does not sanction willful and
7 negligent blindness," but this statement has little relevance here. 66 F.3d at 683
8 (internal quotation marks and citation omitted). The defendant sanitary
9 commission attempting to assert an innocent landowner defense in *Westfarm*
10 knew that the contaminant PCE was being discharged into its sewer system, knew
11 that its regulations actually allowed for such discharge, and knew that its sewers
12 were cracked. *Id.* at 682-83. Yet the commission took none of the steps it could
13 have taken to improve the situation – it did not mend its sewer pipes or even
14 change its regulations to ban PCE dumping. *Id.* at 683.

15 The commission in *Westfarm* may well have been, as the Fourth Circuit
16 held, willfully and negligently blind. But the evidence submitted by these
17 Counter-Defendants supports a permissible inference that they were not. There is
18 no evidence that Counter-Defendants expressly permitted contaminant releases as
19 the *Westfarm* commission did. Instead, Counter-Defendants have proffered
20 evidence that they took steps to protect the public – their drinking water
21 customers – from contamination, and in light of all the facts and circumstances,
22 they have at least created a genuine issue as to their innocent landowner
23 defense.⁴⁰

24 //

25
26
27 ⁴⁰This conclusion also defeats Whittaker's motion for summary judgment on
28 its HSAA claim. As both parties agree, HSAA "create[s] a scheme that is identical
to CERCLA with respect to who is liable." *City of Emeryville v. Elementis Pigments,*
Inc., 2001 WL 964230 *11 (N.D. Cal. 2001). See also *Geo Engineering Co., Inc. v.*

1 **CONCLUSION**

2 For the foregoing reasons, Plaintiffs' Motion for Summary Judgment is
3 GRANTED in part and DENIED in part. It is DENIED as to Plaintiffs' nuisance
4 claims and Plaintiff's CERCLA claims against RFI. It is GRANTED as to
5 Plaintiffs' CERCLA claims against Whittaker and SCLLC in the following
6 respect: Whittaker and SCLLC are liable for Plaintiffs' necessary and NCP
7 consistent response costs.

8 Defendant Whittaker's Motion for Summary Judgment is DENIED.
9 Whittaker has failed to establish that Castaic is within the classes of CERCLA
10 liable parties, and Newhall, Valencia and Santa Clarita have proffered evidence
11 sufficient to create a genuine issue on their innocent landowner defense.

12 The result reached on Whittaker's motion means that the exact nature of
13 Plaintiffs' status as PRPs, and of Plaintiffs' claims against Defendants, remains
14 unresolved. If Plaintiffs are themselves PRPs, then they will have CERCLA
15 claims against Defendants only for contribution, and this Court will consider
16 various equitable factors in allocating response costs. *See Pinal Creek Group v.*
17 *Newmont Mining Corp.*, 118 F.3d 1298, 1301 (9th Cir. 1997) (claim by one PRP
18 against another is for contribution); 42 U.S.C. § 9613(f)(1) (court should consider
19 appropriate equitable factors in allocating costs). If, on the other hand, Plaintiffs
20 establish at trial that they cannot be liable, then Whittaker and SCLLC will be
21 jointly and severally liable unless they can prove that the harm they caused is
22 divisible. *Carson Harbor*, 270 F.3d at 871.

23
24 IT IS SO ORDERED.

25
26
27 DATE: July 14, 2003

28

A. Howard Matz
United States District Judge

Toxin in well prompts concerns

Environment: Local groups suggest the general plan update needs to be rethought

By Natalie Everett
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June 14, 2011

Local environmental leaders said Monday that news of a Valencia well closing over contamination concerns raises new and troubling questions about the Santa Clarita Valley's supply of safe drinking water.

The Valencia Water Company announced Friday that one of its wells has been closed since August 2010, when routine tests found perchlorate, a toxic salt that can cause thyroid problems.

Perchlorate is used to manufacture rocket fuel, and munitions company Whittaker Corp. operated a plant on a 998-acre property at the center of the city known as Whittaker-Bermite. Whittaker Corp. is on the hook to pay for cleaning perchlorate out of the soil there and the groundwater below.

Perchlorate has been found in wells near, and in the soil on, the Whittaker-Bermite property.

Leaders of the Santa Clarita Organization for Planning and the Environment, Friends of the Santa Clara River and the local chapter of the Sierra Club said in a joint statement Monday that the perchlorate discovery should cause city and water officials to rethink their plans for future growth.

Tonight, the Santa Clarita City Council will consider adopting its first general plan update, dubbed One Valley, One Vision, which will guide everything from roads to housing development for decades.

The plan, along with the county's version for the SCV's unincorporated areas, calls for growth that could mean as many as 483,000 residents across the Santa Clarita Valley, almost double its current population of about 280,000. That growth has already prompted water availability concerns from locals.

Now, Friends of the Santa Clara River say the underground plume of perchlorate is spreading, causing a greater public health problem than originally thought.

"Continued pumping of the Saugus Aquifer could draw the pollution plume even further, resulting in greater pollution of this water source," Friends member Ron Bottorff said in the statement.

"The city must slow down and make sure the health of the community is protected."

The Saugus Aquifer is the deeper of two underground water reservoirs tapped for about 50 percent of the valley's water supply.

City and water officials say the closing of the Valencia well is not a supply problem; it's a curable treatment problem.

"Fortunately, the technology exists, the technology is proven and it is in use in this valley (to purge groundwater of perchlorate)," Valencia Water Co. General Manager Keith Abercrombie said.

Castaic Lake Water Agency General Manager Dan Masnada agreed.

"Every last drop of water we drink in this valley is treated in some form or fashion," said Masnada, who heads the water wholesaler that imports water from Northern California. "If someone is looking for water that doesn't have to be treated for one contaminant or another, they've got to go to the Sierra Nevadas for that."

SCOPE President Lynne Plambeck said the bigger issue is that perchlorate has spread further in the groundwater than expected.

"We're potentially contaminating the whole aquifer," she said.

Abercrombie said the contamination of the Valencia well was anticipated in a lawsuit settlement between Whittaker Corp. and local water retailers and Castaic Lake Water Agency, which buys and sells State Water Project water.

As for the city, officials there have no plans to rethink One Valley, One Vision.

"From everything that we can tell, (the well closure) doesn't really have a significant impact," said Paul Brotzman, the city's community development director. "We don't see any reason to change direction at this point and time."

<http://www.the-signal.com/section/36/article/46477/>

Well 201 Perchlorate

<u>Date</u>	<u>Result (ppb)</u>	<u>MCL (ppb)</u>
8/25/2010	5.0	6

9/1/2011 Well 201 removed from service.

11/22/2010	6.6	Monthly monitoring begins
12/20/2010	7.9	
1/24/2011	10	
2/17/2011	8.6	
3/24/2011	5.7	
4/28/2011	12	
5/26/2011		
6/20/2011		
7/18/2011		
8/22/2011		
9/19/2011		
10/24/2011		
11/14/2011		
12/19/2011		

Perchlorate Results Since May 2011

Valencia's Well	Sample Date	Perchlorate Results (ug/L)	DLR (ug/L)	Frequency
N	Aug-11	ND	4	Quarterly
N7	Aug-11	ND	4	Quarterly
N8	Aug-11	ND	4	Quarterly
S6	Aug-11	ND	4	Quarterly
S7	Aug-11	ND	4	Quarterly
S8	Aug-11	ND	4	Quarterly
160	Aug-11	ND	4	Quarterly
205	Aug-11	ND	4	Quarterly
Q2	May-11	ND	4	Quarterly
Q2	Aug-11	ND	4	Quarterly
201	May-11	12	4	Monthly
201	Jun-11	13	4	Monthly
201	Jul-11	14	4	Monthly
201	Aug-11	14	4	Monthly

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

FRIENDS OF THE SANTA CLARA RIVER et al.,

Plaintiffs and Appellants,

v.

CASTAIC LAKE WATER AGENCY et al.,

Defendants and Respondents.

F043273

(Super. Ct. No. 245365)

OPINION

APPEAL from a judgment of the Superior Court of Kern County. Richard J. Oberholzer, Judge.

Law Offices of Stephan C. Volker, Stephan C. Volker and Gretchen E. Dent for Plaintiffs and Appellants.

Horvitz & Levy, William N. Hancock, Jon B. Eisenberg; McCormick, Kidman & Behrens, Russell G. Behrens and David D. Boyer for Defendants and Respondents Castaic Lake Water Agency and Santa Clarita Water Company.

Gatzke Dillon & Ballance, Mark J. Dillon, Michael S. Haberkorn and Heather S. Riley for Defendant and Respondent Valencia Water Company.

-ooOoo-

Friends of the Santa Clara River and the Sierra Club appeal from the denial of their petition for writ of mandate alleging an urban water management plan for parts of the Santa Clarita Valley was adopted in violation of the Urban Water Management Planning

Act (UWMP Act), Water Code section 10610 et seq.¹ Among the many grounds for reversal asserted is the failure of the urban water management plan to assess the reliability of the water supply obtained from two layers of an aquifer contaminated with perchlorate.

Certain aspects of the urban water management plan concerning the effects of perchlorate contamination on the groundwater supply can be summarized as follows. If there is a dry stretch, the districts plan to take more water from the Saugus Formation. If the perchlorate contamination impairs the supply of water taken from the Saugus Formation in dry years, the districts plan to restore full production capacity by treating the contaminated water. While the treatment facilities are being built, the districts have no plan to cover the reduction in water available from the Saugus Formation.

Thus, the plan's description of the perchlorate contamination and the method for addressing that contamination is flawed because it fails to (1) address the time needed to implement the available method for treating the contaminated water and (2) describe the reliability of the groundwater supply during that implementation period. As this gap in the reliability analysis is sufficient for reversal, we do not address the other challenges to the adoption of the plan.²

FACTUAL AND PROCEDURAL SUMMARY

I. Parties

Friends of the Santa Clara River is a nonprofit corporation organized under the laws of the State of California in 1993. Some of its members reside within the subject service area and are ratepayers. Sierra Club is a nonprofit corporation formed under the

¹All further statutory references are to the version of the Water Code in effect during 2000 unless otherwise indicated.

²The failure to address the other challenges should not give rise to any inference as to their merit.

laws of the State of California in 1892. These parties are referred to collectively as plaintiffs.

Castaic Lake Water Agency (CLWA) is a public agency created and governed by the Castaic Lake Water Agency Law. (Stats. 1962, 1st Ex. Sess., ch. 28, § 1, p. 208, West's Ann. Wat.—Appen. (1999 ed.) § 103-1 et seq., p. 487.) CLWA was formed to provide a supplemental supply of imported water to the water purveyors of the Santa Clarita Valley. Its area of wholesale water service covers approximately 195 square miles. CLWA contracts with California's Department of Water Resources for water from the State Water Project (SWP) and other sources, treats those supplies at its treatment plants, and delivers the treated water to water retailers within its area.

Newhall County Water District (Newhall) is a district formed by election under California's County Water District Law (§ 30000 et seq.). Newhall is a retail water purveyor serving an area of approximately 34 square miles and supplies groundwater pumped from wells supplemented by imported water purchased from CLWA. At the end of 1999, Newhall served approximately 6,758 connections, i.e., accounts.³

Santa Clarita Water Company (SCWC) is a California corporation and retailer of water. SCWC's service area includes portions of the City of Santa Clarita and unincorporated areas of Los Angeles County in the communities of Saugus, Canyon Country and Newhall. SCWC supplies water from groundwater wells and imported water purchased from CLWA.⁴ At the end of 1999, SCWC served approximately 21,100 connections.

³On May 20, 2004, Newhall filed a request for withdrawal of its brief that did not explain the reason for the request but acknowledged that if withdrawal was granted, this court, in accordance with California Rules of Court, rule 17(a)(2), would decide the appeal based on the record, the opening brief, the briefs of the other defendants, and oral argument.

⁴The relationship between CLWA and SCWC was, at one time, more than that of wholesaler and retailer. (See *Klajic v. Castaic Lake Water Agency* (2001) 90 Cal.App.4th

Valencia Water Company (VWC) is a California corporation and retailer of water. VWC's service area is approximately 25 square miles and includes portions of the City of Santa Clarita, the community of Valencia, and the unincorporated areas of Castaic and Stevenson Ranch. VWC supplies water from groundwater wells and imported water purchased from CLWA. At the end of 1999, VWC served approximately 20,865 connections.

CLWA, Newhall, SCWC and VWC are referred to collectively as defendants.

Defendants jointly caused the preparation of the 2000 Urban Water Management Plan (UWMP) under the UWMP Act to cover the service area of CLWA.

II. Sources of Water for the Santa Clarita Valley

Historically, the Santa Clarita Valley obtained its water supply from an underground water basin, or aquifer, that is about 84 square miles and is divided into an upper and lower level. The shallow level, called the Alluvial Aquifer, underlies the Santa Clara River and its tributaries. Water from this layer is obtained from wells up to 200 feet deep. Beneath the Alluvial Aquifer is a deeper layer of groundwater called the Saugus Formation. Water from the Saugus Formation is pumped from wells extending to approximately 2,000 feet in depth.

Based on historical production, the UWMP estimates (1) the Alluvial Aquifer will supply 30,000 to 40,000 acre-feet per year in normal weather years and 30,000 to 35,000 acre-feet per year in dry years, and (2) the Saugus Formation will supply 7,500 to 15,000 acre-feet per year in normal weather years and 11,000 to 15,000 acre-feet per year in dry years. At the time the UWMP was adopted, groundwater from the aquifer accounted for approximately 54 percent of the water supplied in the CLWA service area.

987 [writ of mandate sought to compel CLWA to divest itself of its ownership of all stock of SCWC.]

Since 1980, imported water from the SWP has supplemented local supplies to meet community water requirements. CLWA owns three entitlements to water from the SWP that total 95,200 acre-feet per year.⁵ In 1966, CLWA entered into a contract with the SWP for 41,500 acre-feet of water per year. In the 1980's, CLWA purchased an entitlement to 12,700 acre-feet per year of SWP water from a Kern County water district. In 1999, CLWA acquired an entitlement to 41,000 acre-feet per year of SWP water from the Kern County Water Agency and its member district, Wheeler Ridge-Maricopa Water Storage District.⁶

III. Proposal and Adoption of the UWMP

On Wednesday, November 22, 2000, defendants released a draft of the UWMP to the public for review and comment. CLWA indicated that public comments would be accepted only if received by it by 6:00 p.m., December 7, 2000.

The general manager of the United Water Conservation District sent a comment letter that expressed concerns about (1) the way the UWMP's draft presented existing and future water supplies, (2) reliance on groundwater banking projects that were unavailable to CLWA or years away from operation, and (3) the uncertainty of how the Saugus Formation will react to the higher levels of pumping proposed. In particular, the letter states:

“In the legislation concerning Urban Water Management Plans, agencies are asked to consider existing and future sources of water. This is particularly useful to those using the Plan, since supply shortfalls can be

⁵This annual contractual entitlement represented about 2.3 percent of the 4.2 million acre-feet per year the SWP was contracted to deliver to 29 contracting agencies. The California Department of Water Resources contractual obligations to deliver water through the SWP, and the reliability of the delivery, is discussed in greater detail in *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 908, footnote 5.

⁶The agreement for the acquisition is described in *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2002) 95 Cal.App.4th 1373, 1375.

recognized and future projects can be identified to supplement the existing sources of water. Our largest concern is that the draft of the Plan tends to combine existing sources with future potential sources so that it is difficult to establish where you are now and where you need to go. Thus, it is difficult to determine the present state of the supply and the timing of need for specific future projects. An example, which we will explain in more detail below, is the listing of various out-of-area storage projects as part of the year 2000 water supply (e.g., Figure 1-12). This approach implies that these projects are needed now (they are not) and that they could supply water to [CLWA] now (they cannot).”

On December 6, 2000, defendants conducted a joint public hearing concerning the UWMP. On December 20, 2000, the boards of the defendant water agencies held a joint meeting and approved the UWMP. CLWA submitted the UWMP to the California Department of Water Resources, and the submission was completed on February 5, 2001.

IV. Lawsuit

On April 23, 2001, plaintiffs filed a verified petition for writ of mandate challenging defendants’ approval of the UWMP based on alleged violations of the UWMP Act and the public trust doctrine. The County of Ventura also filed a petition for writ of mandate challenging defendants’ approval of the UWMP. The two petitions were consolidated into a single case and transferred to the Kern Superior Court.

Plaintiffs’ cause of action based on the public trust doctrine was dismissed without leave to amend as a result of demurrers filed by defendants. Plaintiffs’ cause of action based on violations of the UWMP Act was heard on the merits by the superior court on January 21, 2003, and February 4, 2003.

On April 8, 2003, the superior court filed an “Order and Findings: Statement of Decision” in which it denied the petitions for writ of mandate.⁷ Defendants filed memoranda of costs. Defendants CLWA and SCWC jointly requested costs in the amount of \$59,179.04. Defendant VWC claimed \$8,416.78 in costs. Plaintiffs filed a

⁷The County of Ventura did not appeal from the denial of its petition.

motion to tax costs that challenged the recovery of certain costs related to the preparation of the administrative record,⁸ such as “the cost of copies, including Bates stamping (\$49,203.77), offsite duplication (\$132.84 and \$430.45), binders (\$1,175.84, \$421.53 and \$177.49), and [VWC’s] administrative record charges (\$4,191.31).”⁹ The superior court heard the motion to tax costs on July 1, 2003, and awarded CLWA and SCWC costs in the amount of \$55,469.72 and awarded VWC costs in the amount of \$6,575.06.

Subsequently, judgment was entered in favor of defendants and plaintiffs appealed.

DISCUSSION

In 1983, the Legislature adopted the UWMP Act to promote the active management of urban water demands and efficient water usage in order to protect the people of the state and their water resources. (Stats. 1983, ch. 1009, § 1, p. 3556.) To achieve the goal of water conservation and efficient use, urban water suppliers are required to develop water management plans that include long-range planning to ensure adequate water supplies to serve existing customers and future demands for water. (§ 10610.2, subs. (d) & (e).) The plans must consider a 20-year time horizon (§ 10631, subd. (a)) and must be updated “at least once every five years on or before December 31, in years ending in five and zero” (§ 10621, subd. (a)). The UWMP Act requires plans to address specific issues. (§§ 10631, 10632 & 10633.) It also sets forth the procedural steps that urban water suppliers must follow when preparing, reviewing, and amending

⁸The administrative record of proceedings submitted to the superior court was organized into 37 three-ring binders and contained 17,766 pages.

⁹The invoice from Whitmont Legal Copying, Inc. to counsel for CLWA and SCWC in the amount of \$49,203.77 for copies and Bates labeling appears to cover the production of 16 copies of the administrative record. After subtracting the \$1,065.96 charged to generate and apply the Bates labels, the average cost per page for the copies of the administrative record came to approximately 16.93 cents $((\$49,203.77 - \$1,065.96) / (17,766 \text{ pages} \times 16 \text{ copies}) = \$0.16934 \text{ per page})$.

their plans. (§§ 10640-10645; see generally Waterman, *Addressing California's Uncertain Water Future By Coordinating Long-Term Land Use and Water Planning: Is A Water Element in the General Plan the Next Step?* (2004) 31 Ecology L.Q. 117, 162-166 [overview of the UWMP Act].)

I. Standard of Review

In a mandate proceeding to review the decision of a public agency to adopt an urban water management plan, the standard of our review is set forth in section 10651, which provides:

“In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.”

Although no published decision has applied section 10651, the statutory language is similar to Public Resources Code section 21168.5, which applies to some of the mandamus proceedings brought under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

The role of an appellate court in reviewing an administrative record for a “prejudicial abuse of discretion” under section 10651 is precisely the same as the role of the superior court and, therefore, the lower court’s findings of fact and conclusions of law are not binding on the appellate court. (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 [review conducted under Pub. Resources Code, § 21168.5].)

Plaintiffs contend that the defendants “ha[ve] not proceeded in a manner required by law” as that phrase is used in section 10651 and thus prejudicially have abused their discretion in adopting the UWMP. In particular, plaintiffs claim the UWMP does not comply with section 10631 because it (1) erroneously conflates existing sources with

planned sources, (2) improperly characterizes supplies that are merely potential as “planned sources of water available to the supplier” (§ 10631, subd. (b)), and (3) fails to evaluate adequately the reliability of existing sources of water, such as groundwater from the aquifers and imported water from the SWP. Plaintiffs also contend that many of the findings of fact made in the UWMP are not supported by substantial evidence.

Defendants argue that all of the deficiencies alleged by plaintiffs are merely claims that the weight of the evidence does not support the conclusions of the agencies. As it is not our function to reweigh the evidence, but to determine if there is substantial evidence to support the findings of the UWMP, the plaintiffs must fail if there is such substantial evidence. Defendants claim that such substantial evidence exists in the record. Defendants also seem to imply that since the UWMP is subject to modification at any time and must be reviewed every five years (§ 10621, subd. (a)), any deficiency is not prejudicial.

II. Reliability of Groundwater Sources and Perchlorate Contamination

Plaintiffs have raised a number of issues concerning the discussion in the UWMP regarding the quantity and quality of available groundwater. Some of the issues relate to the perchlorate contamination of the groundwater.

A. Testimony Regarding Perchlorate Contamination

To support their claims concerning the inadequacy of the UWMP’s discussion of perchlorate contamination, plaintiffs cite the following testimony given before the Public Utilities Commission by Steven B. Bachman, a geologist employed by the primary water wholesaler in the County of Ventura who also does consulting work for the County of Ventura.

“There is a significant area of perchlorate contamination to the east of the wells that pump from the Saugus Aquifer. The perchlorate has seeped into the Saugus Aquifer and has flowed westward towards the wells, shutting down 25 percent of the total Saugus Aquifer wells. [¶] ... [¶]

“The extent of the perchlorate contamination in the Saugus Aquifer is not yet known, largely because there is a lack of wells to monitor west of well VWC No. 157.... Perchlorate that is still in the soils at the contamination site will be ‘a long-term source of contamination’ that will continue to reach the aquifers as rains and runoff push the contaminants in the soil into the groundwater system.... [¶] ... [¶]

“The concentration of perchlorate in the production wells probably represents the leading edge of a much larger plume of higher concentrations of perchlorate. The total area of the Saugus Aquifer contaminated by the perchlorate has yet to be fully defined. We do know that the contaminant has migrated a minimum of 2 miles through the subsurface and over land to contaminate the vital pumping areas. (Exhibit 23.) Since the groundwater gradients in the contaminated area in the Saugus are towards the west, the contaminant is likely to continue to migrate further west and northwest. Time of travel from the soil contamination sites to the deep Saugus wells implies that the contaminant has been moving between 1 to 3 feet per day within the Saugus Aquifer. This implies that the perchlorate could impact [VWC’s] well No. 201 as early as next year. Further down gradient is [VWC’s] well No. 160.”

Also, Richard D. McJunkin, a senior hydrogeologist with the California Department of Toxic Substances Control, testified that increased pumping of water from wells near the contamination site will accelerate the flow of the perchlorate contamination.

B. Contents of UWMP

Perchlorate contamination is discussed in chapters 1, 2 and 6 of the UWMP. Chapter 1 of the UWMP is titled “Introduction and Summary.” Section 1.6 of the UWMP describes the water supply, including groundwater taken from both layers of the underground water basin. Section 1.6A. of the UWMP contains the following summary of the quality of the groundwater:

“Groundwater quality can be compromised by the presence of contaminants. Perchlorate was recently discovered in Saugus Formation groundwater at a site formerly occupied by an industry located in the area. Wells found exceeding the legal limit of this contaminant were shut down,

and a groundwater cleanup plan is being developed using proven treatment methods which can restore full production capability.”

Chapter 2 of the UWMP is titled “Water Supply Resources.” The introductory paragraphs in that chapter contain the following statements about groundwater and perchlorate contamination:

“There is a range of opinion about issues such as the annual yield capability from groundwater basins. Accordingly, the [UWMP] recognizes that active management of resources may be necessary to achieve the projected supply. A number of management activities are thus described in this chapter, such as a water treatment program to remove perchlorates from the Saugus Formation. Many similar programs have been successfully implemented, including the water recharge and water quality management programs of groundwater in Orange County, which in recent years have enhanced the annual yield from this important source of local supply. Although there are water supply and water quality issues to be addressed in relation to groundwater supplies, the availability of active management options to address these issues creates a high probability that the annual yields discussed in this chapter can be sustained.”

The “water treatment program to remove perchlorates from the Saugus Formation” is described subsequently in section 2.1A. of the UWMP as follows:

“In addition to [total dissolved solids] concerns, water quality problems have been observed in Southern California recently that could affect groundwater supply availability, in particular, the local discovery of perchlorate. Perchlorate is used in the manufacture of solid rocket propellants, munitions, and fireworks, and can be treated and removed from groundwater. Aerojet has implemented biological treatment in Rancho Cordova, California and is re-injecting the treated water into the ground. The California Department of Health Services has not yet approved biological treatment for a drinking water end use.

“An ion exchange process has also been developed that successfully treats and removes perchlorate. This process is called the continuous ion exchange system. The system has been successfully piloted at Jet Propulsion Laboratory and at a location in Main San Gabriel Basin. The treatment cost for this process is about \$300 per acre-foot excluding the cost of brine disposal. Discussions are currently underway with the owners of the property identified as the source of the local contamination on groundwater cleanup. No perchlorate has been detected in Alluvial Aquifer

wells to date, although some has been detected in monitoring wells located on the contaminating site.”

These two paragraphs and the above quoted statement from the introductory materials are the only mention of perchlorate contamination in chapter 2 of the UWMP and its effect on the reliability or availability of water supplied from the aquifers.

Chapter 4 of the UWMP is titled “Reliability Planning” and does not mention perchlorate contamination or describe its effect on the reliability of the aquifers as a source of groundwater.

The description in chapters 1 and 2 of the UWMP of perchlorate contamination and its impact on the supply of water from the underground water basin can be summarized as follows: (1) An unspecified number of wells in the Saugus Formation have been shut down because of perchlorate contamination; (2) perchlorate has not been found in supply wells in the Alluvial Aquifer but has been found in monitoring wells on the contaminating site; (3) perchlorate contamination in water can be treated with an ion exchange process at a cost of over \$300 per acre-foot; (4) defendants and the owners of the site contaminated with perchlorate are discussing groundwater cleanup; and (5) available options to address the perchlorate issues create a high probability that the annual yields discussed in the UWMP can be sustained.¹⁰

C. Matters Not Discussed in the UWMP

The UWMP mentions “a groundwater cleanup plan ... being developed” (UWMP § 1.6A.) to address the perchlorate contamination, but it does not mention what stage of development has been reached or how much longer it will take to complete and

¹⁰Section 6.4 of the UWMP summarizes the earlier discussion of the perchlorate contamination as follows: “The recent detection of perchlorate in the Saugus Formation is an example of prior contamination due to industrial chemical processes. The few wells affected have been shut down, effective treatment technologies have been developed, and a plan is being worked out to remove the contamination from the groundwater.”

implement that plan.¹¹ Assuming the length of time needed to implement the plan is uncertain, the UWMP does not describe the factors that have caused that uncertainty.¹²

Timing considerations of other aspects of the perchlorate contamination also affect the reliability of the supply of groundwater. For instance, the UWMP does not state how fast the perchlorate contamination is spreading in either the Saugus Formation or the Alluvial Aquifer, how far it might reach within the 20-year period covered by the UWMP, or how the rate of migration is affected by factors, such as the increased use of Saugus Formation in dry years. To the extent that the answers to these timing issues are uncertain, the UWMP does not discuss how this uncertainty affects the reliability of the supply of groundwater. More specifically, the UWMP does not state how it reached the implicit determination that the quantities of groundwater set forth in the UWMP met the reliability criterion of 90 percent, i.e., there was a 90 percent level of certainty that those amounts would be available.¹³

The lack of information in the UWMP regarding how long it would take to implement the ion exchange process to treat perchlorate contaminated water pumped from the Saugus Formation or the Alluvial Aquifer stands in contrast to figure 1-14 in the UWMP, which sets forth a program implementation schedule for other programs related to water supply, such as (1) drilling new wells in the Saugus Formation (feasibility–6 months, design–3 months, construction & permitting–9 months), (2) negotiating water

¹¹As a result of the failure to describe the timing, the UWMP also does not describe plans to replace contaminated sources with alternative sources of water until the treatment option is implemented. (See § 10631, subd. (c).)

¹²For example, implementation of the ion exchange process may be subject to review under CEQA because the disposal of the brine created by that process may have a significant environmental impact and the CEQA review process would increase the amount of time needed to implement the treatment process.

¹³Section 1.7A. of the UWMP states that “The [reliability] criterion set for this [UWMP] is that there must be a water supply sufficient to meet projected demands 90 percent of the time, or in 18 out of the next 20 years.”

transfer agreements (15 months), (3) water recycling, (4) water banking programs, and (5) desalination.

D. The UWMP Did Not Comply with Section 10631

Section 10631 specifies some of the mandatory contents of an urban water management plan. Under subdivision (b) of section 10631, a plan shall “[i]dentify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over ... five-year increments” to 20 years or as far as data is available.

Subdivision (c) of section 10631 provides:

“Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following: [¶] (1) An average water year. [¶] (2) A single dry water year. [¶] (3) Multiple dry water years.

“For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to replace that source with alternative sources or water demand management measures, to the extent practicable.”

Plaintiffs contend the UWMP fails to comply with section 10631 in that it does not evaluate adequately the reliability of the Saugus Formation and the Alluvial Aquifer as sources of water because the UWMP understates the perchlorate contamination and ignores the migration of that contamination.

When any water source may not be available at a consistent level of use, the UWMP must describe plans to replace that source with alternative sources. (§ 10631, subd. (c).) In this case, the Saugus Formation and Alluvial Aquifer may be sources that are not available at a consistent level because of the environmental and water quality concerns raised by the perchlorate contamination. Furthermore, the implementation of a process to treat water pumped from those sources cannot be implemented instantaneously. If the decision to implement a water treatment process is not made until a dry year has begun or until after the start of multiple dry years, the reliability of the water supply available during those dry periods could be affected significantly.

Accordingly, we conclude that the UWMP's description of the reliability of the groundwater supplied from the Saugus Formation and Alluvial Aquifer is inadequate under subdivision (c) of section 10631 because of the failure to address timing issues related to the perchlorate contamination.¹⁴ Simply stating that a treatment technology is available and that a groundwater treatment plan is being developed without discussing when the plan may need to be implemented and the amount of time needed for its implementation leaves a temporal gap in the description of the reliability of the water source. This gap renders the UWMP legally inadequate.

Without a reliable analysis of the availability of water, the UWMP is fatally flawed. The public and the various governmental entities that rely on the UWMP may be seriously misled by it and, if the wrong set of circumstances occur,¹⁵ the consequences to those who relied on the UWMP, as well as those who share a water supply with them, could be severe. The ability to modify and review the plan does not overcome the initial failure.

The judgment must be reversed as defendants did not proceed in a manner required by law in their preparation of the UWMP, thus prejudicially abusing their discretion. (§ 10651.)

III. Recoverable Costs

As the judgment against plaintiffs will be reversed, we need not address the issues raised in connection with their attack on the costs awarded to defendants, such as whether

¹⁴This holding can be restated in the language of section 10610.2, subdivision (d) as follows. Because of the failure to address the timing issues, the UWMP does not show that the defendants have made "every effort to ensure the appropriate level of reliability in [their] water service sufficient to meet the needs of [their] various categories of customers during normal, dry, and multiple dry years." (*Ibid.*)

¹⁵Those circumstances could include a prolonged drought, increased reliance on groundwater from the Saugus Formation, accelerated spread of the perchlorate contamination within the formation, and problems or delays in implementing the ion exchange.

defendants were entitled to recover the expense incurred for *additional* copies of the administrative record (see Cal. Administrative Mandamus (Cont.Ed.Bar 3d ed. 2003) Recoverable Costs, § 10.15, pp. 360-361 (5/04)).

DISPOSITION

The judgment is reversed and the matter is remanded to the superior court with directions to grant the petition for a writ of mandate vacating defendants' approval of the 2000 Urban Water Management Plan. Friends of the Santa Clara River and Sierra Club shall recover their costs on appeal from Castaic Lake Water Agency, Santa Clarita Water Company and Valencia Water Company. Newhall County Water District's request to withdraw its respondent's brief is granted.

CORNELL, J.

WE CONCUR:

VARTABEDIAN, Acting P.J.

BUCKLEY, J.

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

FRIENDS OF THE SANTA CLARA RIVER et al.,

Plaintiffs and Appellants,

v.

CASTAIC LAKE WATER AGENCY et al.,

Defendants and Respondents.

F043273

(Super. Ct. No. 245365)

ORDER GRANTING
REQUEST FOR
PUBLICATION OF OPINION

THE COURT

It appearing that the nonpublished opinion filed in the above entitled matter on September 22, 2004, meets the standards for publication specified in California Rules of Court, rule 976(b), it is ordered that the opinion be certified for publication in the official reports.

Cornell, J.

WE CONCUR:

Vartabedian, Acting P.J.

Buckley, J.

Attachment B to Resolution No. R4-2008-012

Revision of the TMDL for Chloride in the Upper Santa Clara River

Adopted by the California Regional Water Quality Control Board, Los Angeles Region on December 11, 2008.

Amendments

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Chapter 7. Total Maximum Daily Loads (TMDLs)

7-6 Upper Santa Clara River Chloride TMDL

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Chapter 7. Total Maximum Daily Loads (TMDLs) Tables

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7-6.2. Upper Santa Clara River Chloride TMDL; Implementation Schedule (Revised)

Chapter 7. Total Maximum Daily Loads (TMDLs) Upper Santa Clara River TMDL

This TMDL was adopted by: The Regional Water Quality Control Board on October 24, 2002.

This TMDL was remanded by: The State Water Resources Control Board on February 19, 2003

This TMDL was adopted by: The Regional Water Quality Control Board on July 10, 2003.

This TMDL was revised and adopted by: The Regional Water Quality Control Board on May 6, 2004.

This TMDL was approved by: The State Water Resource Control Board on July 22, 2004

The Office of Administrative Law on November 15, 2004

The U.S. Environmental Protection Agency on April 28, 2005

This TMDL was revised and adopted by: The Regional Water Quality Control Board on August 3, 2006.

This TMDL was approved by: The State Water Resource Control Board on May 22, 2007.

The Office of Administrative Law on July 3, 2007.

This TMDL was revised and adopted by: The Regional Water Quality Control Board on December 11, 2008.

This TMDL was approved by: The State Water Resource Control Board on xxx xx, 200x.

The Office of Administrative Law on xxx xx, 200x.

Element	Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements Santa Clara River Chloride															
<i>Problem Statement</i>	<p>Elevated chloride concentrations are causing impairments of the water quality objective in Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) of the Santa Clara River (SCR). These reaches are on the 1998 and 2002 Clean Water Act (CWA) 303(d) lists of impaired water bodies as impaired due to chloride. The objectives for these reaches were set to protect all beneficial uses; agricultural beneficial uses have been determined to be most sensitive, and not currently attained at the downstream end of Reach 5 (EPA 303(d) list Reach 7) and Reach 6 (EPA 303(d) list Reach 8) in the Upper Santa Clara River (USCR). Irrigation of salt sensitive crops such as avocados, strawberries, and nursery crops with water containing elevated levels of chloride results in reduced crop yields. Chloride levels in groundwater in Piru Basin underlying the reach downstream of Reach 5 are also rising.</p>															
<i>Numeric Target (Interpretation of the numeric water quality objective, used to calculate the load allocations)</i>	<p>Numeric targets are equivalent to conditional site specific objectives (SSOs) that are based on technical studies regarding chloride levels which protect salt sensitive crops and endangered and threatened species, chloride source identification, and the magnitude of assimilative capacity in the upper reaches of the Santa Clara River and underlying groundwater basin. The TMDL special study, Literature Review Evaluation, shows that the most sensitive beneficial uses can be supported with rolling averaging periods as shown in the tables below.</p> <p>1. Conditional Surface Water SSOs</p> <p>The conditional SSOs for chloride in the surface water of Reaches 4B, 5, and 6 shall apply and supersede the existing water quality objectives of 100 mg/L only when chloride load reductions and/or chloride export projects are in operation by the SCVSD according to the implementation section in Table 7-6.1. Conditional surface water SSOs for Reaches 4B, 5, and 6 of the Santa Clara River are listed as follows:</p> <table border="1" data-bbox="505 1472 1373 1829"> <thead> <tr> <th data-bbox="505 1472 667 1602">Reach</th> <th data-bbox="667 1472 927 1602">Conditional SSO for Chloride (mg/L)</th> <th data-bbox="927 1472 1373 1602">Rolling Averaging Period</th> </tr> </thead> <tbody> <tr> <td data-bbox="505 1602 667 1650">6</td> <td data-bbox="667 1602 927 1650">150</td> <td data-bbox="927 1602 1373 1650">12-month</td> </tr> <tr> <td data-bbox="505 1650 667 1698">5</td> <td data-bbox="667 1650 927 1698">150</td> <td data-bbox="927 1650 1373 1698">12-month</td> </tr> <tr> <td data-bbox="505 1698 667 1747">4B</td> <td data-bbox="667 1698 927 1747">117</td> <td data-bbox="927 1698 1373 1747">3-month</td> </tr> <tr> <td data-bbox="505 1747 667 1829">4B Critical Conditions</td> <td data-bbox="667 1747 927 1829">130^a</td> <td data-bbox="927 1747 1373 1829">3-month^b</td> </tr> </tbody> </table>	Reach	Conditional SSO for Chloride (mg/L)	Rolling Averaging Period	6	150	12-month	5	150	12-month	4B	117	3-month	4B Critical Conditions	130 ^a	3-month ^b
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5	150	12-month														
4B	117	3-month														
4B Critical Conditions	130 ^a	3-month ^b														

Element	<p>Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements</p> <p style="text-align: center;">Santa Clara River Chloride</p>
	<p>a. The conditional SSO for chloride in Reach 4B under critical condition shall apply only if the following conditions and implementation requirements are met:</p> <ol style="list-style-type: none"> 1. Water supply chloride concentrations measured in Castaic Lake are ≥ 80 mg/L. 2. The Santa Clarita Valley Sanitation District (SCVSD) shall provide supplemental water to salt-sensitive agricultural uses that are irrigated with surface water during periods when Reach 4B surface water exceeds 117 mg/L. 3. By May 4, 2020, the 10-year cumulative net chloride loading above 117 mg/L ($CNCl_{117}$)¹ to Reach 4B of the SCR, calculated annually, from the SCVSD Water Reclamation Plants (WRPs) shall be zero or less. <p>¹ $CNCl_{117} = Cl_{(Above\ 117)} - Cl_{(Below\ 117)} - Cl_{(Export\ EWs)}$</p> <p>Where:</p> $Cl_{(Above\ 117)} = [WRP\ Cl\ Load^1 / Reach\ 4B\ Cl\ Load^2] * [Reach\ 4B\ Cl\ Load_{>117}^3]$ $Cl_{(Below\ 117)} = [WRP\ Cl\ Load^1 / Reach\ 4B\ Cl\ Load^2] * [Reach\ 4B\ Cl\ Load_{\leq 117}^4]$ <p>$Cl_{(Export\ EWs)} = Cl\ Load\ Removed\ by\ Extraction\ Wells$</p> <p>¹ WRP Cl Load is determined as the monthly average Cl concentration multiplied by the monthly average flow measured at the Valencia WRP.</p> <p>² Reach 4B Cl Load is determined as the monthly average Cl concentration at SCVSD Receiving Water Station RF multiplied by the monthly average flow measured at USGS Gauging Station 11109000 (Las Brisas Bridge).</p> <p>³ Reach 4B Cl Load_{>117} means the calculated Cl load to Reach 4B when monthly average Cl concentration in Reach 4B is above 117 mg/L.</p> <p>⁴ Reach 4B Cl Load_{≤117} means the calculated Cl load to Reach 4B when monthly average Cl concentration in Reach 4B is below or equal to 117 mg/L.</p> <ol style="list-style-type: none"> 4. The chief engineer of the SCVSD signs under penalty of perjury and submits to the Los Angeles Regional Water Quality Control Board (Regional Board) a letter documenting the fulfillment of conditions 1, 2, and 3.

Element	<p>Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements</p> <p style="text-align: center;">Santa Clara River Chloride</p>												
	<p>b. The averaging period for the critical condition SSO may be reconsidered based on results of chloride trend monitoring after the conditional WLAs of this TMDL are implemented.</p> <p>2. Conditional SSOs for Groundwater</p> <p>Conditional groundwater SSOs are listed as follows:</p> <table border="1" data-bbox="527 646 1349 1136" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Groundwater Basin</th> <th style="text-align: center;">Conditional Groundwater SSO for Chloride (mg/L)</th> <th style="text-align: center;">Rolling Averaging Period</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Santa Clara-- Bouquet & San Francisquito Canyons</td> <td style="text-align: center;">150</td> <td style="text-align: center;">12-month</td> </tr> <tr> <td style="text-align: center;">Castaic Valley</td> <td style="text-align: center;">150</td> <td style="text-align: center;">12-month</td> </tr> <tr> <td style="text-align: center;">Lower area east of Piru Creek ^a</td> <td style="text-align: center;">150</td> <td style="text-align: center;">12-month</td> </tr> </tbody> </table> <p>^a This objective only applies to the San Pedro formation. Existing objective of 200 mg/L applies to shallow alluvium layer above San Pedro formation.</p> <p>The conditional SSOs for chloride in the groundwater in Santa Clara--Bouquet & San Francisquito Canyons, Castaic Valley and the lower area east of Piru Creek (San Pedro Formation) shall apply and supersede the existing groundwater quality objectives only when chloride load reductions and/or chloride export projects are in operation by the SCVSD according to the implementation section in Table 7-6.1.</p>	Groundwater Basin	Conditional Groundwater SSO for Chloride (mg/L)	Rolling Averaging Period	Santa Clara-- Bouquet & San Francisquito Canyons	150	12-month	Castaic Valley	150	12-month	Lower area east of Piru Creek ^a	150	12-month
Groundwater Basin	Conditional Groundwater SSO for Chloride (mg/L)	Rolling Averaging Period											
Santa Clara-- Bouquet & San Francisquito Canyons	150	12-month											
Castaic Valley	150	12-month											
Lower area east of Piru Creek ^a	150	12-month											
<i>Source Analysis</i>	<p>The principal source of chloride into Reaches 5 and 6 of the Santa Clara River is discharges from the Saugus WRP and Valencia WRP, which are estimated to contribute 70% of the chloride load in Reaches 5 and 6. These sources of chloride accumulate and degrade groundwater in the lower area east of Piru Creek in the basin.</p>												
<i>Linkage Analysis</i>	<p>A groundwater-surface water interaction (GSWI) model was developed to</p>												

Element	<p>Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements</p> <p style="text-align: center;">Santa Clara River Chloride</p>						
	<p>assess the linkage between chloride sources and in-stream water quality and to quantify the assimilative capacity of Reaches 4A, 4B, 5, and 6 and the groundwater basins underlying those reaches. GSWI was then used to predict the effects of WRP discharges on chloride loading to surface water and groundwater under a variety of future hydrology, land use, and water use assumptions including future discharges from the Newhall Ranch WRP in order to determine appropriate wasteload allocations (WLAs) and load allocations (LAs).</p> <p>The linkage analysis demonstrates that beneficial uses can be protected through a combination of SSOs for surface water and groundwater and reduction of chloride levels from the Valencia WRP effluent through advanced treatment.</p>						
<p><i>Waste Load Allocations (for point sources)</i></p>	<p>The conditional WLAs for chloride for all point sources shall apply only when chloride load reductions and/or chloride export projects are in operation by the SCVSD according to the implementation section in Table 7-6.1. If these conditions are not met, WLAs shall be based on existing water quality objectives for chloride of 100 mg/L.</p> <p>Conditional WLAs for chloride for discharges to Reach 4B by the Saugus and Valencia WRPs are as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Reach</th> <th style="text-align: center;">Concentration-based Conditional WLA for Chloride (mg/L)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">4B</td> <td style="text-align: center;">117 (3-month Average), 230 (Daily Maximum)</td> </tr> <tr> <td style="text-align: center;">4B Critical Conditions</td> <td style="text-align: center;">130^a (3-month Average^b), 230 (Daily Maximum)</td> </tr> </tbody> </table> <p>a. The Conditional WLA under critical conditions shall apply only if the following conditions and implementation requirements are met:</p> <ol style="list-style-type: none"> 1. Water supply chloride concentrations measured in Castaic Lake are ≥ 80 mg/L. 	Reach	Concentration-based Conditional WLA for Chloride (mg/L)	4B	117 (3-month Average), 230 (Daily Maximum)	4B Critical Conditions	130 ^a (3-month Average ^b), 230 (Daily Maximum)
Reach	Concentration-based Conditional WLA for Chloride (mg/L)						
4B	117 (3-month Average), 230 (Daily Maximum)						
4B Critical Conditions	130 ^a (3-month Average ^b), 230 (Daily Maximum)						

Element	<p>Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements</p> <p style="text-align: center;">Santa Clara River Chloride</p>
	<p>2. SCVSD shall provide supplemental water to salt-sensitive agricultural uses that are irrigated with surface water during periods when Reach 4B surface water exceeds 117 mg/L.</p> <p>3. By May 4, 2020, the 10-year cumulative net chloride loading above 117 mg/L (CNCl₁₁₇)¹ to Reach 4B of the SCR, calculated annually, from the Saugus and Valencia WRPs shall be zero or less.</p> <p>¹ CNCl₁₁₇ = Cl_(Above 117) - Cl_(Below 117) - Cl_(Export Ews)</p> <p>Where:</p> <p>Cl_(Above 117) = [WRP Cl Load¹/Reach 4B Cl Load²] * [Reach 4B Cl Load_{>117}³]</p> <p>Cl_(Below 117) = [WRP Cl Load¹/Reach 4B Cl Load²] * [Reach 4B Cl Load_{≤117}⁴]</p> <p>Cl_(Export Ews) = Cl Load Removed by Extraction Wells</p> <p>¹ WRP Cl Load is determined as the monthly average Cl concentration multiplied by the monthly average flow measured at the Valencia WRP.</p> <p>² Reach 4B Cl Load is determined as the monthly average Cl concentration at SCVSD Receiving Water Station RF multiplied by the monthly average flow measured at USGS Gauging Station 11109000 (Las Brisas Bridge).</p> <p>³ Reach 4B Cl Load_{>117} means the calculated Cl load to Reach 4B when monthly average Cl concentration in Reach 4B is above 117 mg/L.</p> <p>⁴ Reach 4B Cl Load_{≤117} means the calculated Cl load to Reach 4B when monthly average Cl concentration in Reach 4B is below or equal to 117 mg/L.</p> <p>4. The chief engineer of the SCVSD signs under penalty of perjury and submits to the Regional Board a letter documenting the fulfillment of conditions 1, 2, and 3.</p> <p>b. The averaging period for the critical condition WLA may be reconsidered based on results of chloride trend monitoring after the conditional WLAs of this TMDL are implemented.</p>

Element	<p>Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements</p> <p style="text-align: center;">Santa Clara River Chloride</p>									
	<p>Discharges to Reaches 5 and 6 by the Saugus and Valencia WRPs will have final concentration-based and mass-based conditional WLAs for chloride based on conditional SSOs as follows:</p> <table border="1" data-bbox="464 533 1414 936"> <thead> <tr> <th data-bbox="464 533 662 716">WRP</th> <th data-bbox="669 533 1024 716">Concentration-based Conditional WLA for Chloride (mg/L)</th> <th data-bbox="1031 533 1414 716">Mass-based Conditional WLA for Chloride (pounds/day)</th> </tr> </thead> <tbody> <tr> <td data-bbox="464 724 662 800">Saugus</td> <td data-bbox="669 724 1024 800">150 (12-month Average), 230 (Daily Maximum)</td> <td data-bbox="1031 724 1414 800">$Q_{Design} * 150 \text{ mg/L} * 8.34$ (12-month Average)</td> </tr> <tr> <td data-bbox="464 808 662 928">Valencia</td> <td data-bbox="669 808 1024 928">150 (12-month Average), 230 (Daily Maximum)</td> <td data-bbox="1031 808 1414 928">$Q_{Design} * 150 \text{ mg/L} * 8.34 - AF_{RO}$ (12-month Average)</td> </tr> </tbody> </table> <p>Where Q_{design} is the design capacity of WRPs in units of million gallons per day (MGD), AF_{RO} is the chloride mass loading adjustment factor for operation of reverse osmosis (RO) facilities, where:</p> <p>If RO facilities are operated at $\geq 50\%$ Capacity Factor^a in preceding 12 months</p> $AF_{RO} = 0$ <p>If RO facilities are operated at $< 50\%$ Capacity Factor^b in preceding 12 months</p> $AF_{RO} = (50\% \text{ Capacity Factor} - \%RO \text{ Capacity}) * ChlorideLoadRO^c$ <p>^a Capacity Factor is based on 3 MGD of recycled water treated with RO, 90% of the time. ^b If operation of RO facilities at $< 50\%$ rated capacity is the result of conditions that are outside the control of SCVSD, then under the discretion of the Executive Officer of the Regional Board, the AF_{RO} may be set to 0. ^c Chloride load reduction is based on operation of a RO treatment plant treating 3 MGD of recycled water with chloride concentration of 50 mg/L + Water Supply Chloride. Assumes operational capacity factor of 90% and RO membrane chloride</p>	WRP	Concentration-based Conditional WLA for Chloride (mg/L)	Mass-based Conditional WLA for Chloride (pounds/day)	Saugus	150 (12-month Average), 230 (Daily Maximum)	$Q_{Design} * 150 \text{ mg/L} * 8.34$ (12-month Average)	Valencia	150 (12-month Average), 230 (Daily Maximum)	$Q_{Design} * 150 \text{ mg/L} * 8.34 - AF_{RO}$ (12-month Average)
WRP	Concentration-based Conditional WLA for Chloride (mg/L)	Mass-based Conditional WLA for Chloride (pounds/day)								
Saugus	150 (12-month Average), 230 (Daily Maximum)	$Q_{Design} * 150 \text{ mg/L} * 8.34$ (12-month Average)								
Valencia	150 (12-month Average), 230 (Daily Maximum)	$Q_{Design} * 150 \text{ mg/L} * 8.34 - AF_{RO}$ (12-month Average)								

Element	<p>Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements</p> <p style="text-align: center;">Santa Clara River Chloride</p>								
	<p>rejection rate of 95%. Determination of chloride load based on the following:</p> $ChlorideLoadRO = 90\% \times [(Q_{RO} \times C_{WRP} \times 8.34) \times r] \times \left(\frac{30 \text{ Days}}{\text{Month}} \right)$ <p>Where: Q_{RO} = 3 MGD of recycled water treated with RO C_{WRP} = Chloride concentration in water supply + 50 mg/L r = % Reverse Osmosis chloride rejection (95% or 0.95) 8.34 = Conversion factor (ppd/(mg/L*MGD))</p> <p>The final WLAs for TDS and sulfate are equal to existing surface water and groundwater quality objectives for TDS and sulfate in Tables 3-8 and 3-10 of the Basin Plan. The Regional Board may revise the final WLAs based on review of trend monitoring data as detailed in the monitoring section of this Basin Plan amendment.</p> <p>Other minor NPDES discharges (as defined in Table 4-1 of the Basin Plan) receive conditional WLAs. The conditional WLA for these point sources is as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Reach</th> <th style="text-align: center;">Concentration-based Conditional WLA for Chloride (mg/L)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">6</td> <td style="text-align: center;">150 (12-month Average), 230 (Daily Maximum)</td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">150 (12-month Average), 230 (Daily Maximum)</td> </tr> <tr> <td style="text-align: center;">4B</td> <td style="text-align: center;">117 (3-month Average), 230 (Daily Maximum)</td> </tr> </tbody> </table> <p>Other major NPDES discharges (as defined in Table 4-1 of the Basin Plan) receive WLAs equal to 100 mg/L. The Regional Board may consider assigning conditional WLAs to other major dischargers based on an analysis of the downstream increase in net chloride loading to surface water and groundwater as a result of implementation of conditional WLAs.</p>	Reach	Concentration-based Conditional WLA for Chloride (mg/L)	6	150 (12-month Average), 230 (Daily Maximum)	5	150 (12-month Average), 230 (Daily Maximum)	4B	117 (3-month Average), 230 (Daily Maximum)
Reach	Concentration-based Conditional WLA for Chloride (mg/L)								
6	150 (12-month Average), 230 (Daily Maximum)								
5	150 (12-month Average), 230 (Daily Maximum)								
4B	117 (3-month Average), 230 (Daily Maximum)								
Load Allocation	The source analysis indicates nonpoint sources are not a major source of								

Element	Table 7-6.1. Upper Santa Clara River Chloride TMDL: Elements Santa Clara River Chloride								
<i>(for non point sources)</i>	<p>chloride. The conditional LAs for these nonpoint sources are as below:</p> <table border="1" data-bbox="581 422 1300 898"> <thead> <tr> <th data-bbox="581 422 776 516">Reach</th> <th data-bbox="776 422 1300 516">Concentration-based Conditional LA for Chloride (mg/L)</th> </tr> </thead> <tbody> <tr> <td data-bbox="581 516 776 632">6</td> <td data-bbox="776 516 1300 632">150 (12-month Average), 230 (Daily Maximum)</td> </tr> <tr> <td data-bbox="581 632 776 758">5</td> <td data-bbox="776 632 1300 758">150 (12-month Average), 230 (Daily Maximum)</td> </tr> <tr> <td data-bbox="581 758 776 898">4B</td> <td data-bbox="776 758 1300 898">117 (3-month Average), 230 (Daily Maximum)</td> </tr> </tbody> </table> <p>The conditional LAs shall apply only when chloride load reductions and/or chloride export projects are in operation by the SCVSD according to the implementation section in Table 7-6.1. If these conditions are not met, LAs are based on existing water quality objectives of 100 mg/L.</p>	Reach	Concentration-based Conditional LA for Chloride (mg/L)	6	150 (12-month Average), 230 (Daily Maximum)	5	150 (12-month Average), 230 (Daily Maximum)	4B	117 (3-month Average), 230 (Daily Maximum)
Reach	Concentration-based Conditional LA for Chloride (mg/L)								
6	150 (12-month Average), 230 (Daily Maximum)								
5	150 (12-month Average), 230 (Daily Maximum)								
4B	117 (3-month Average), 230 (Daily Maximum)								

Implementation

Refer to Table 7-6.2.

Implementation of Upper Santa Clara River Conditional Site Specific Objectives for Chloride

In accordance with Regional Board resolution 97-002, the Regional Board and stakeholders have developed an integrated watershed plan to address chloride impairments and protect beneficial uses of surface waters and groundwater basins underlying Reaches 4B, 5, and 6 of the Santa Clara River. The plan involves: 1) Reducing chloride loads and/or increasing chloride exports from the USCR watershed through implementation of advanced treatment (RO) of a portion of the effluent from the Valencia WRP. The advanced treated effluent will be discharged into Reach 4B or blended with extracted groundwater from the Piru Basin underlying Reach 4B and discharged into Reach 4A. The resultant brine from the advanced treatment process will be disposed in a legal and environmentally sound manner. 2) Implementing the conditional SSOs for chloride in surface waters and underlying groundwater basins of the USCR watershed provided in Chapter 3.

The watershed chloride reduction plan will be implemented through NPDES permits for the Valencia WRP and a new NPDES permit for discharge into Reach 4A. The conditional SSOs for chloride in the USCR watershed shall apply and supersede the regional water quality objectives only when chloride load reductions and/or chloride export projects are in operation and reduce chloride loading in accordance with the following table:

Water Supply Chloride¹	Chloride Load Reductions²
40 mg/L	58,000 lbs per month
50 mg/L	64,000 lbs per month
60 mg/L	71,000 lbs per month
70 mg/L	77,000 lbs per month
80 mg/L	83,000 lbs per month
90 mg/L	90,000 lbs per month
100 mg/L	96,000 lbs per month

¹ Based on measured chloride of the State Water Project (SWP) water stored in Castaic Lake.

² Chloride load reduction is based on operation of a RO treatment plant treating 3 MGD of recycled water with chloride concentration of 50 mg/L + Water Supply Chloride. Assumes operational capacity factor of 90% and RO membrane chloride rejection rate of 95%. Determination of

chloride load based on the following:

$$ChlorideLoad = 90\% \times [(Q_{RO} \times C_{WRP} \times 8.34) \times r] \times \left(\frac{30 \text{ Days}}{\text{Month}} \right)$$

where r = % chloride rejection (95%)
 Q_{RO} = 3 MGD of recycled water treated
 with RO
 C_{WRP} = SWP Cl + 50 mg/L

Conditional WLAs

Conditional WLAs for the Saugus and Valencia WRPs will be implemented through effluent limits, receiving water limits and monitoring requirements in NPDES permits. Conditional WLAs for Reach 4B will be implemented as receiving water limits. Conditional WLAs for Reaches 5 and 6 will be implemented as effluent limits.

The implementation plan proposes that during the period of TMDL implementation, compliance for the WRPs' effluent limits will be evaluated in accordance with interim WLAs.

Saugus WRP:

The interim WLA for chloride is equal to the interim limit for chloride specified in order No. R4-04-004. The interim WLA for TDS is 1000 mg/L as an annual average. The interim WLA for sulfate is 450 mg/L as an annual average. These interim WLAs shall apply as interim end-of-pipe effluent limits, interim groundwater limits, and interim limits in the Non-NPDES WDR for recycled water uses from the Saugus WRP instead of existing water quality objectives.

Valencia WRP:

The interim WLA for chloride is equal to the interim limit for chloride specified in order No. R4-04-004. The interim WLA for TDS is 1000 mg/L as an annual average. The interim WLA for sulfate is 450 mg/L as an annual average. These interim WLAs shall apply as interim end-of-pipe effluent limits, interim groundwater limits, and interim limits in the Non-NPDES WDR for recycled water uses from the Valencia WRP instead of existing water quality objectives.

Other Major NPDES Permits (including Newhall Ranch WRP):

The Regional Board may consider assigning conditional WLAs for other major NPDES permits, including the Newhall Ranch WRP, pending implementation of a chloride mass removal quantity that is proportional to

	<p>mass based chloride removal required for the Valencia WRP.</p> <p><u>Supplemental Water released to Reach 6 of Santa Clara River:</u></p> <p>In order to accommodate the discharge of supplemental water to Reach 6, interim WLAs are provided for sulfate of 450 mg/L and TDS of 1000 mg/L as annual averages. The final WLAs are equal to the existing water quality objectives for sulfate and TDS in Table 3-8 of the Basin Plan. The Regional Board may revise the final WLA based on review of trend monitoring data as detailed in the monitoring section of this Basin Plan amendment.</p>
<p>Monitoring</p>	<p>NPDES monitoring: NPDES Permittees will conduct chloride, TDS, and sulfate monitoring to ensure that water quality objectives are being met.</p> <p>Trend monitoring: The SCVSD will submit a monitoring plan to conduct chloride, TDS, and sulfate trend monitoring to ensure that the goal of chloride export in the watershed is being achieved, water quality objectives are being met, and downstream groundwater and surface water quality is not degraded due to implementation of compliance measures. The SCVSD monitoring plan shall include plans to monitor chloride, TDS, and sulfate in groundwater and identify representative wells to be approved by the Regional Board Executive Officer in the following locations: (a) Shallow alluvium layer in east Piru Basin, (b) San Pedro Formation in east Piru Basin, and (c) groundwater basins under Reaches 5 and 6, which shall be equivalent or greater than existing groundwater monitoring required by NPDES permits for Saugus and Valencia WRPs. The monitoring plan shall also include a plan for chloride, TDS, and sulfate trend monitoring for surface water for Reaches 4B, 5 and 6. The monitoring plan shall include plans to monitor chloride, TDS, and sulfate at a minimum of once per quarter for groundwater and at a minimum of once per month for surface water. The plan should propose a monitoring schedule that extends beyond the completion date of this TMDL to evaluate impacts of compliance measures to downstream groundwater and surface water quality. This TMDL shall be reconsidered if chloride, TDS, and sulfate trend monitoring indicates degradation of groundwater or surface water due to implementation of compliance measures.</p> <p>Trend monitoring: The Reach 4A Permittee will submit a monitoring plan to conduct chloride, TDS, and sulfate trend monitoring to ensure that the goal of chloride export in the watershed is being achieved, water quality objectives are being met, and downstream groundwater and surface water quality is not degraded due to implementation of compliance measures. The Reach 4A permittee monitoring plan shall include plans to monitor chloride, TDS, and sulfate in groundwater and identify representative wells to be approved by the Regional Board Executive Officer in the</p>

	<p>following locations (a) Fillmore Basin, and (b) Santa Paula Basin. The monitoring plan shall also include a plan for chloride, TDS, and sulfate trend monitoring for surface water for Reaches 3 and 4A. The monitoring plan should include plans to monitor chloride, TDS, and sulfate at a minimum of once per quarter for groundwater and at a minimum of once per month for surface water. The plan should propose a monitoring schedule that shall extend beyond the completion date of this TMDL to evaluate impacts of compliance measures to downstream groundwater and surface water quality. This TMDL shall be reconsidered if chloride, TDS, and sulfate trend monitoring indicates degradation of groundwater or surface water due to implementation of compliance measures.</p>
<p><i>Margin of Safety</i></p>	<p>An implicit margin of safety is incorporated through conservative model assumptions and chloride mass balance analysis. The model is an integrated groundwater surface water model which shows that chloride discharged from the WRPs accumulates in the east Piru Basin. Further mass balance analysis shows that the chloride mass removed from the Piru Basin exceeds the chloride loaded into the Piru Basin from implementation of the conditional SSOs.</p>
<p><i>Seasonal Variations and Critical Conditions</i></p>	<p>During dry weather conditions, less surface flow is available to dilute effluent discharge, groundwater pumping rates for agricultural purposes are higher, groundwater discharge is lower, poorer quality groundwater may be drawn into the aquifer, and evapotranspiration effects are greater than in wet weather conditions. During drought, reduced surface flow and increased groundwater extraction continues through several seasons with greater impacts on groundwater resources and discharges. Dry and critically dry periods affecting the Sacramento and San Joaquin River Valleys reduce fresh-water flow into the Sacramento-San Joaquin Delta and result in higher than normal chloride concentrations in the State Water Project supply within the California aqueduct system. These increased chloride levels are transferred to the upper Santa Clara River. This critical condition is defined as when water supply concentrations measured in Castaic Lake are ≥ 80 mg/L.</p> <p>These critical conditions were included in the GSWI model to determine appropriate allocations and implementation scenarios for the TMDL.</p>

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation Implementation Tasks	Completion Date
<p>1. Alternate Water Supply</p> <p>a) Should (1) the in-river concentration at Blue Cut, the Reach 4B boundary, exceed the conditional SSO of 117 mg/L, measured for the purposes of this TMDL as a rolling three-month average, (2) each agricultural diverter provide records of the diversion dates and amounts to the Regional Board and Santa Clarita Valley County Sanitation Districts of Los Angeles County (SCVSD) for at least 2 years after the effective date of the TMDL and (3) each agricultural diverter provides photographic evidence that diverted water is applied to avocado, strawberry or other chloride sensitive crop and evidence of a water right to divert, then the SCVSD will be responsible for providing an alternative water supply, negotiating the delivery of alternative water by a third party, or providing fiscal remediation to be quantified in negotiations between the SCVSD and the agricultural diverter at the direction of the Regional Water Quality Control Board until such time as the in-river chloride concentrations do not exceed the conditional SSO.</p> <p>b) Should the instream concentration exceed 230 mg/L more than two times in the three year period, the discharger identified by the Regional Board Executive Officer shall be required to submit, within ninety days of a request by the Regional Board Executive Officer, a workplan for an accelerated schedule to reduce chloride discharges.</p>	<p>Effective Date of TMDL (05/04/2005)</p>
<p>2. Progress reports will be submitted by the SCVSD to Regional Board staff on a semiannual basis from the effective date of the TMDL for tasks 4, 6, and 7, and on an annual basis for Tasks 5 and 11.</p> <p>Progress reports will be submitted by the Reach 4A Permittee to Regional Board staff on an annual basis for Task 12.</p>	<p>Semiannually and annually</p>
<p>3. Chloride Source Identification/Reduction, Pollution Prevention and Public Outreach Plan: Six months after the effective date of the TMDL, the SCVSD will submit a plan to the Regional Board that addresses measures taken and planned to be taken to quantify and control sources of chloride, including, but not limited to: execute community-wide outreach programs, which were developed based on the pilot outreach efforts conducted by the SCVSD, assess potential incentive/disincentive programs for residential self-regenerating water softeners, and other measures that may be effective in</p>	<p>6 months after Effective Date of TMDL (11/04/2005)</p>

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation Implementation Tasks	Completion Date
<p>controlling chloride. The SCVSD shall develop and implement the source reduction/pollution prevention and public outreach program, and report results annually thereafter to the Regional Board. Chloride sources from imported water supplies will be assessed. The assessment will include conditions of drought and low rainfall, and will analyze the alternatives for reducing this source.</p>	
<p>4. The SCVSD will convene a technical advisory committee or committees (TAC(s)) in cooperation with the Regional Board to review literature develop a methodology for assessment, and provide recommendations with detailed timelines and task descriptions to support any needed changes to the time schedule for evaluation of appropriate chloride threshold for Task 6. The Regional Board, at a public hearing will re-evaluate the schedule for Task 6 and subsequent linked tasks based on input from the TAC(s), along with Regional Board staff analysis and assessment consistent with state and federal law, as to the types of studies needed and the time needed to conduct the necessary scientific studies to determine the appropriate chloride threshold for the protection of salt sensitive agricultural uses, and will take action to amend the schedule if there is sufficient technical justification.</p>	<p>12 months after Effective Date (05/04/2006)</p>
<p>5. Groundwater/Surface Water Interaction Model: The SCVSD will solicit proposals, collect data, develop a model in cooperation with the Regional Board, obtain peer review, and report results. The impact of source waters and reclaimed water plans on achieving the water quality objective and protecting beneficial uses, including impacts on underlying groundwater quality, will also be assessed and specific recommendations for management developed for Regional Board consideration. The purpose of the modeling and sampling effort is to determine the interaction between surface water and groundwater as it may affect the loading of chloride from groundwater and its linkage to surface water quality.</p>	<p>2.5 years after Effective Date of TMDL (11/20/2007)</p>
<p>6. Evaluation of Appropriate Chloride Threshold for the Protection of Sensitive Agricultural Supply Use and Endangered Species Protection: The SCVSD will prepare and submit a report on endangered species protection thresholds. The SCVSD will also prepare and submit a report presenting the results of the evaluation of chloride thresholds for salt sensitive agricultural uses, which shall consider the impact of drought and low rainfall conditions and the associated increase in imported water concentrations on downstream crops utilizing the result of Task 5.</p>	<p>2.5 years after Effective Date of TMDL (11/20/2007)</p>

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation	Completion Date
Implementation Tasks	
<p>7. Develop SSO for Chloride for Sensitive Agriculture: The SCVSD will solicit proposals and develop technical analyses upon which the Regional Board may base a Basin Plan amendment.</p> <p>8. Develop Anti-Degradation Analysis for Revision of Chloride Objective by SSO: The SCVSD will solicit proposals and develop draft anti-degradation analysis for Regional Board consideration.</p> <p>9. Develop a pre-planning report on conceptual compliance measures to meet different hypothetical final conditional wasteload allocations. The SCVSD shall solicit proposals and develop and submit a report to the Regional Board that identifies potential chloride control measures and costs based on different hypothetical scenarios for chloride SSOs and final conditional wasteload allocations.</p>	<p>2.8 years after Effective Date of TMDL (02/20/2008)</p>
<p>10. a) Preparation and Consideration of a Basin Plan Amendment (BPA) to revise the chloride objective by the Regional Board.</p> <p>b) Evaluation of Alternative Water Supplies for Agricultural Beneficial Uses: The SCVSD will quantify water needs, identify alternative water supplies, evaluate necessary facilities, and report results, including the long-term application of this remedy.</p> <p>c) Analysis of Feasible Compliance Measures to Meet Final Conditional Wasteload Allocations for Proposed Chloride Objective. The SCVSD will assess and report on feasible implementation actions to meet the chloride objective established pursuant to Task 10a).</p> <p>d) Reconsideration of and action taken on the Chloride TMDL and Final Conditional Wasteload Allocations for the Upper Santa Clara River by the Regional Board.</p>	<p>3.5 years after Effective Date of TMDL (12/11/2008)</p>
<p>11. Trend monitoring: The SCVSD will submit a monitoring plan to conduct chloride, TDS, and sulfate trend monitoring to ensure that the goal of chloride export in the watershed is being achieved, water quality objectives are being met, and downstream groundwater and surface water quality is not degraded due to implementation of compliance measures. The SCVSD monitoring plan shall include plans to monitor chloride, TDS, and sulfate in groundwater and identify representative wells to be approved by the Regional Board Executive Officer, in the following locations: (a) Shallow alluvium layer in east Piru Basin, (b) San Pedro Formation in east Piru Basin,</p>	<p>4 years after Effective Date of TMDL (05/04/2009)</p>

<p>Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation</p> <p style="text-align: center;">Implementation Tasks</p>	<p>Completion Date</p>
<p>and (c) groundwater basins under Reaches 5 and 6, which shall be equivalent or greater than existing groundwater monitoring required by NPDES permits for Saugus and Valencia WRPs. The monitoring plan shall also include a plan for chloride, TDS, and sulfate trend monitoring for surface water for Reaches 4B, 5 and 6. The monitoring plan shall include plans to monitor chloride, TDS, and sulfate at a minimum of once per quarter for groundwater and at a minimum of once per month for surface water. The plan should propose a monitoring schedule that extends beyond the completion date of this TMDL to evaluate impacts of compliance measures to downstream groundwater and surface water quality. This TMDL shall be reconsidered if chloride, TDS, and sulfate trend monitoring indicates degradation of groundwater or surface water due to implementation of compliance measures.</p>	
<p>12. Trend monitoring: The Reach 4A Permittee will submit a monitoring plan to conduct chloride, TDS, and sulfate trend monitoring to ensure that the goal of chloride export in the watershed is being achieved, water quality objectives are being met, and downstream groundwater and surface water quality is not degraded due to implementation of compliance measures. The Reach 4A permittee monitoring plan shall include plans to monitor chloride, TDS, and sulfate in groundwater and identify representative wells to be approved by the Regional Board Executive Officer in the following locations (a) Fillmore Basin, and (b) Santa Paula Basin. The monitoring plan shall also include a plan for chloride, TDS, and sulfate trend monitoring for surface water for Reaches 3 and 4A. The monitoring plan should include plans to monitor chloride, TDS, and sulfate at a minimum of once per quarter for groundwater and at a minimum of once per month for surface water. The plan should propose a monitoring schedule that shall extend beyond the completion date of this TMDL to evaluate impacts of compliance measures to downstream groundwater and surface water quality. This TMDL shall be reconsidered if chloride, TDS, and sulfate trend monitoring indicates degradation of groundwater or surface water due to implementation of compliance measures.</p>	<p>Submitted with permit application</p>
<p>13. Begin monitoring per approved SVCSD monitoring plan completed in Task 11.</p>	<p>One year after Executive Officer approval of Task 11 monitoring plan for SVCSD</p>

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation Implementation Tasks	Completion Date
<p>14. Begin monitoring per approved Reach 4A Permittee monitoring plan.</p>	<p>One year after Executive Officer approval of Task 12 monitoring plan for Reach 4A Permittee</p>
<p>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.</p> <p>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.</p>	<p>5 years after Effective Date of TMDL (05/04/2010)</p> <p>5 years after Effective Date of TMDL (05/04/2010)</p>
<p>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.</p>	<p>6 years after Effective Date of TMDL (05/04/2011)</p>
<p>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.</p> <p>b) Implementation of Compliance Measures, Engineering Design:</p>	<p>6 years after Effective Date of TMDL (05/04/2011)</p> <p>6 years after</p>

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation	Completion Date
Implementation Tasks	
<p>The SCVSD will begin the engineering design of the recommended project wastewater facilities.</p> <p>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.</p> <p>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.</p> <p>e) Implementation of Compliance Measures, Start-Up: The SCVSD shall have completed start-up, testing and certification of the recommended project wastewater facilities.</p>	<p>Effective Date of TMDL (05/04/2011)</p> <p>7 years after Effective Date of TMDL (05/04/2012)</p> <p>9.5 years after Effective Date of TMDL (11/04/2014)</p> <p>10 years after Effective Date of TMDL (05/04/2015)</p>
<p>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.</p>	<p>7 years after Effective Date of TMDL (05/04/2012)</p>
<p>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.</p>	<p>9.5 years after Effective Date of TMDL (11/04/2014)</p>
<p>20. The interim WLAs for chloride shall remain in effect for no more</p>	<p>10 years after</p>

Table 7-6.2. Upper Santa Clara River Chloride TMDL Implementation Implementation Tasks	Completion Date
<p>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.</p>	<p>Effective Date of TMDL (05/04/2015)</p>
<p>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.</p>	<p>10 years after Effective Date of TMDL (05/04/2015)</p>

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From: "O'Keefe, Jeff (CDPH-DDWEM)" <Jeff.OKeefe@c... [\[Edit Address Book\]](#)>
To: Lynne Plambeck <lynnepламbeck@access4less.net>
Subject: FW: Valencia Well 201
Date: Aug 15, 2011 12:41 PM

FYI

From: Keith Abercrombie [<mailto:kabercrombie@valenciawater.com>]
Sent: Thursday, June 23, 2011 8:24 AM
To: O'Keefe, Jeff (CDPH-DDWEM)
Subject: RE: Valencia Well 201

Jeff,

Thank you for the update on the process going forward. We've been thinking along these lines and have already started discussions with the modeling folks. I will provide this information to them and then work to set up a meeting as you have requested.

Keith Abercrombie
General Manager
Valencia Water Company
(661) 295-6504
kabercrombie@valenciawater.com

 Please consider the environment before printing this email.

From: O'Keefe, Jeff (CDPH-DDWEM) [<mailto:Jeff.OKeefe@cdph.ca.gov>]
Sent: Wednesday, June 22, 2011 6:16 PM
To: Keith Abercrombie; James Saenz
Cc: Wong, Karen (CDPH-DDWEM)
Subject: Valencia Well 201

Sorry to be late replying on this issue. I know you are anxious to install treatment at 201 to bring it back online and you wanted to know what would be the CDPH permitting requirements. After much thought and discussions with DTSC, they are a few things I would want to proceed with this project. Specifically, I would want an engineering report that addresses elements 1 through 4 in the extremely impaired source policy memo. <http://cdph.ca.gov/cerllc/drinkingwater/Documents/DWdocuments/memo97-005.pdf>

Although your perchlorate levels are still currently below the 3 x MCL level (which is one of the criteria), we have concerns about the future concentration at your well, and what would be the impact of operating Well 201 on other neighboring wells. As part of this evaluation, I will need some updated groundwater modeling to determine whether operation of 201 with treatment is consistent with overall regional goals to contain the perchlorate plume. I have concerns that Saugus is not containing the plume as originally predicted in the groundwater model done years ago, and would like a better understanding of how the plume bypassed



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Saugus and migrated to Well 201. DTSC is in agreement with me on this. The model should be able to predict if treatment at 201 (along with the treatment of Saugus wells) would improve containment, or could its operation make matters worse for sources nearby. If the model cannot support containment by 201 and Saugus, then it would be best to leave it offline and pursue replacement water costs. There may even be a need to model operational scenarios to determine what would happen if 201 is operated while Saugus is down for maintenance or if it has a prolonged shut down to install VOC treatment at some point in the future. I suggest we have a meeting on this to discuss in greater detail.

Jeff O'Keefe

District Engineer
Metropolitan District
California Department of Public Health
Southern California Branch - Drinking Water Field Operations
500 N. Central Avenue, Suite 500
Glendale, CA 91203

Direct: 818-551-2044
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1-13-11

Attn: Executive Office
LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Agenda Item # 25 – Inconsistency with Newhall Ranch Specific Plan
Please copy to all Supervisors

Dear Sirs:

It has come to our attention that, while the staff report for this agenda item correctly states the timeline of the formation of the Newhall Ranch Sanitation District, it also includes erroneous information and brings to light an agreement made between the Sanitation Districts and Newhall Land and Farming that is inconsistent with the Newhall Ranch Specific Plan. Further, it misinforms the Board as to the financial impacts of such an agreement.

We ask that the Supervisors, and particularly Mr. Antonovich, as our representative on the Board of Sanitation District 26 and 32, immediately investigate and set aside this agreement. We request that Board of Supervisors, as ultimate oversight authority for the approval and conformity of the Newhall Ranch Specific Plan, object to this agreement between the Newhall Land Co. and the Sanitation Districts. We request that the Board delay approval of this agenda item until this investigation is completed and the staff report is corrected.

We particularly object to these two sections of the staff report:

1. **“FISCAL IMPACT/FINANCING**

It is anticipated that the operation and maintenance of the District and its facilities would be funded through the imposition of service charges, which would be collected on the tax roll, and construction of the facilities would be financed by the developer for the Newhall Ranch project.”

Without the construction of the Sanitation plant as required by the Newhall Ranch Specific Plan, the public will bear the burden of the expensive clean up of chlorides required to comply with the Clean Water Act. This will entail a sharp increase in sewer fees to the general public.

2. **“IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This project will not have an adverse impact on current sewage services because the District will build facilities to serve all new developments within the Newhall Ranch Specific Plan area. In addition, the agreement between the Santa Clarita Valley Sanitation District of Los Angeles County (SCV) and Newhall Land and

Farming allows up to 6,000 capacity units to be treated at existing SCV wastewater treatment facilities as needed during construction of the Newhall Ranch Water Reclamation Plant. SCV has sufficient capacity to accommodate the use of its facilities."

This statement cannot be made because the County is currently in the middle of analyzing the impacts for the first tract maps of Newhall Ranch. No certified EIR exists on either the Landmark tract or the Mission Village tract, which comprise approximately 6000 units. Further, there is not even a Development Monitoring System analysis for sewer capacity included in the Mission Village EIR as required by the Court Decision in 2003.

Background

The Mitigation Monitoring Plan of the Newhall Ranch Specific Plan states that:

SP 4.11-1 The proposed Specific Plan **SHALL**¹ implement a water reclamation plant in order to reduce to specific plan's demand for imported potable water, The Specific Plan **SHALL** install a distribution system to deliver non-potable reclaimed water to irrigate land uses suitable to accept reclaimed water, pursuant to the Los Angeles County Department of Health Standards. **Mitigation 4.11-8 requires Newhall to pay for the cost of water expansion** by paying for connection fees and **Mitigation 4.12-7** ensured the public would not have to pay for the development of Newhall Ranch by requiring that future tracts would have to be annexed into a sewer district.

SP 4.12-2 A 5.8 to 6.9 mgd water reclamation plant **SHALL** be constructed on the Specific Plan site, pursuant to County, State, and Federal design standards, to serve the Newhall Ranch Specific Plan.

SP 4-12-3 A Conceptual Backbone Sewer Plan **SHALL** be implemented pursuant to County, state and federal design standards.

Please note: The mitigation monitoring system does NOT say "may", it says, "**SHALL**".

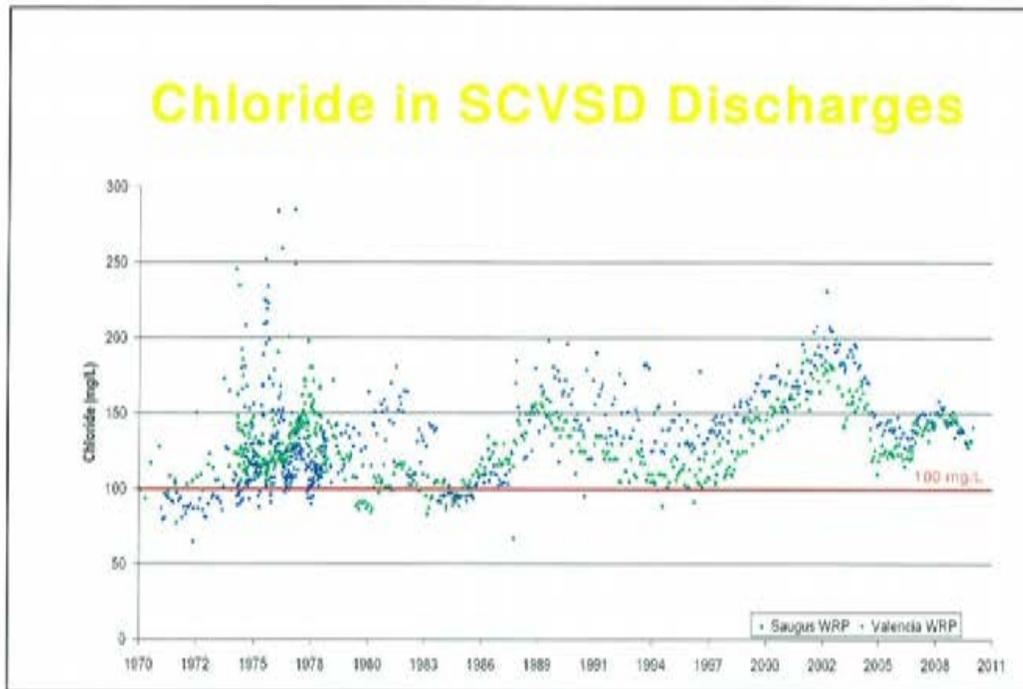
If the Sanitation Plant is not built in accordance with the mitigation requirements of the Newhall Ranch Specific Plan, the Plan cannot meet its requirements to provide non-potable water or to finance its own infrastructure expansion costs.

Further, the Sanitation discharge permit granted by the Regional Water Quality Board required reverse osmosis treatment for the effluent from this plant. By attempting to evade this requirement, Newhall will put the added burden of removing salts from the Newhall Ranch effluent on the backs of the public.

The CHLORIDE issue

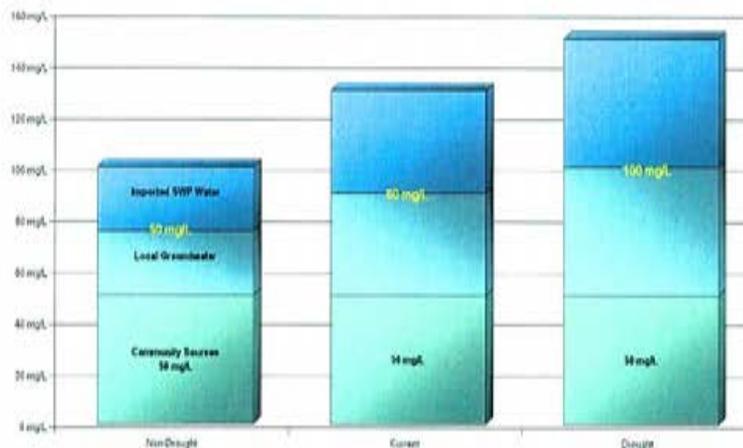
Currently the Sanitation Districts 26 and 32 in the Santa Clarita Valley do not comply with the Clean Water Act Act Total Maximum Daily Load (TMDL) effluent standard of 100 ug/l for Chloride as indicated by the chart below supplied at a recent Sanitation District public hearing:

¹ Emphasis added to all "shalls" in this section



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 due to the sharp and continuing increase in the use of imported State Water Project (SWP) water as seen by the chart below, (also supplied by the Sanitation Districts).

Chloride Sources During Drought & Non-Drought Conditions



This problem is aggravated by high levels of chlorides in the well proposed to be used for these tracts, according to information found in both the Landmark and Mission Village DEIRs as indicated in the chart below. Therefore, if Newhall uses the Valencia treatment plant rather than building their own Sanitation Plant as required by the Specific Plan, the chloride levels in the effluent of that treatment plant will be substantially increased. Without the immediate construction of the Newhall Ranch Water Reclamation Plant, approved as an RO (reverse

osmosis salt removal system) facility, the high chlorides in the wells proposed to be used by this project in the chart below and the additional imported Nickels water will add to this load.

Water Quality Constituents of Concern
Secondary Standards:
 (from Mission Village DEIR Appendix F4.8)

Parameter	MCL	DLR	Units	E-14	E-15	E-16	E-17
Chloride	250-500-600	NA	mg/L	75	88	89	74
pH	6.5 - 8.5	NA	units	7.5	7.7	7.3	7.4
Specific Conductance (E.C.)	900-1600-2,200	NA	umho/cm	1240	1290	1390	1360
Sulfate	250-500-600	0.5	mg/L	340	330	340	340
Total Dissolved Solids (TDS)	500-1000-1500	NA	mg/L	900	890	950	960

Conclusion and Questions

How does a side agreement between the developer and the Sanitation Districts fit into the planning oversight purview of the Board of Supervisors? How can the Planning Department substantiate that sewer service complies with the County Development Monitoring System or is consistent with the general plan or specific plans if developers make side agreements with the Sanitation Districts?

The agreement between the developer of the Newhall Ranch Project and the Sanitation District violates the conditions of the Newhall Ranch Specific Plan and puts the Santa Clarita Valley in jeopardy of continued non-compliance with the Clean Water Act Chloride TMDL. We therefore strongly object to this agreement and ask that the Board of Supervisors take action to rectify this issue.

The public should not have to pay the costs of bringing the chloride level into compliance with an increase to their sewer fees. Thank you in advance for addressing these issues.

Sincerely,



Lynne Plambeck
 President



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Acting Secretary for
Environmental Protection

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Edmund G. Brown Jr.
Governor

May 27, 2011

Mr. Stephen R. Maguin
Chief Engineer and General Manager
County Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90607-4998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7010 3090 0002 1022 3824

Dear Mr. Maguin:

NOTICE OF VIOLATION - SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY, SAUGUS WATER RECLAMATION PLANT (ORDER NO. R4-2009-0075 NPDES NO. CA0054313, CI 2960)

Santa Clarita Valley Sanitation District of Los Angeles County (hereinafter Discharger or SCVSD, formerly referred to as Los Angeles County Sanitation District), discharges wastewater pursuant to Order No. R4-2009-0075 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0054313 (Order), which was adopted by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board).

The Order authorizes the Discharger to discharge up to 6.5 MGD of tertiary-treated wastewater from the Saugus Water Reclamation Plant (hereinafter Facility). The Order sets forth waste discharge requirements, including effluent limits, and a monitoring and reporting program (MRP CI-2960) that apply to the discharges of pollutants from the Facility. This wastewater contains chlorides and other pollutants that can degrade water quality and impact beneficial uses of water, and that are defined as wastes under the Porter-Cologne Water Quality Control Act (Cal. Wat. Code § 13000 et seq.). The treated wastewater is discharged to the Santa Clara River, a navigable water of the United States.

MRP CI-2960 requires that the Discharger submit self-monitoring reports, discharge monitoring reports, and an annual summary report to this Regional Board in compliance with all Standard Provisions related to monitoring, reporting, and recordkeeping.

Provision VI.C.8, on page 40 of the Order reads: "The discharger shall comply with the applicable TMDL-related tasks¹, and future revisions thereto, in Attachment K of this Order."

¹ The Upper Santa Clara River Chloride TMDL was approved by the Regional Board, the State Water Resources Control Board, the State Office of Administrative Law (OAL), and the U.S. EPA, and became effective on April 6, 2010. The USCR Chloride TMDL Implementation Plan, including Task 17(a), was accommodated into Order No. R4-2009-0075 and NPDES Permit No. CA0054313 on June 4, 2009 and became effective on July 24, 2009.

Attachment K lists the TMDL tasks. Page K-3 lists Task 17(a).

You are hereby notified that the Discharger is out of compliance with requirements established in the Order and has violated California Water Code section 13383 for failure to complete Task 17(a) in Attachment K as follows:

- Failure to complete a Programmatic Environmental Impact Report (EIR) for facilities to comply with final permit effluent limits for chloride. The Discharger submitted a copy of a Notice of Exemption from the requirement to prepare an EIR or Negative Declaration to the Regional Board on May 2, 2011. The Notice of Exemption does not meet the requirements of Task 17(a) in Attachment K because it does not constitute a programmatic EIR and it addresses actions to meet the conditional wasteload allocations (WLAs) not actions to meet the final effluent limits for chloride.
- Failure to submit an adequate Wastewater Facilities Plan for facilities to comply with final permit effluent limits for chloride. The Santa Clarita Valley Chloride TMDL Facilities Plan (Facilities Plan) submitted by the SCVSD on May 2, 2011 is inadequate because it is not a plan for actions to meet the final effluent limits for chloride of 100 mg/L. If the Facilities Plan was intended to comply with the conditional WLAs in the TMDL, it is inadequate because it does not provide the facilities necessary to allow application of conditional WLAs.

You are required to comply immediately with the following tasks:

1. Ensure that Task 17(a) in Attachment K is completed and the Wastewater Facilities Plan and Programmatic Environmental Impact Report for facilities to comply with final permit effluent limits for chloride are submitted to the Regional Board.
2. Ensure full implementation of all requirements contained in MRP CI-2960.
3. Submit a written response (1) confirming you have corrected these violations with a brief description of how you have corrected them, or (2) identifying when you will have completed correcting these violations and a brief description of how you will correct them. Submit your written response by June 27, 2011 to:

Jenny Newman
Chief, TMDL Unit 3
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013- 2343

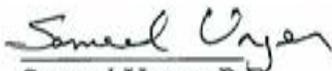
Pursuant to CWC § 13385, you are subject to administrative civil liability of up to \$10,000 for each day in which the violation occurs plus \$10 multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The matter may be referred to the Attorney General for further enforcement. In such case, the Attorney General may seek up to \$25,000 per day and \$25 per gallon. The Regional Board reserves its right to take any further enforcement action authorized by law.

In SCVSD's semi-annual status reports submitted on November 4, 2010, and May 2, 2011, SCVSD requested to use the reconsideration clause under Task 16 of the Upper Santa Clara River Chloride TMDL implementation plan to revise the TMDL to incorporate the Alternative Compliance Plan (ACP). The intent of the reconsideration clause under Task 16 is to consider extending the implementation schedule to implement control measures necessary to meet final conditional WLAs, not to revise the conditional WLAs to accommodate the ACP, as requested by SCVSD. Therefore, Regional Board staff is hereby declining to recommend to the Board a reconsideration under Task 16.

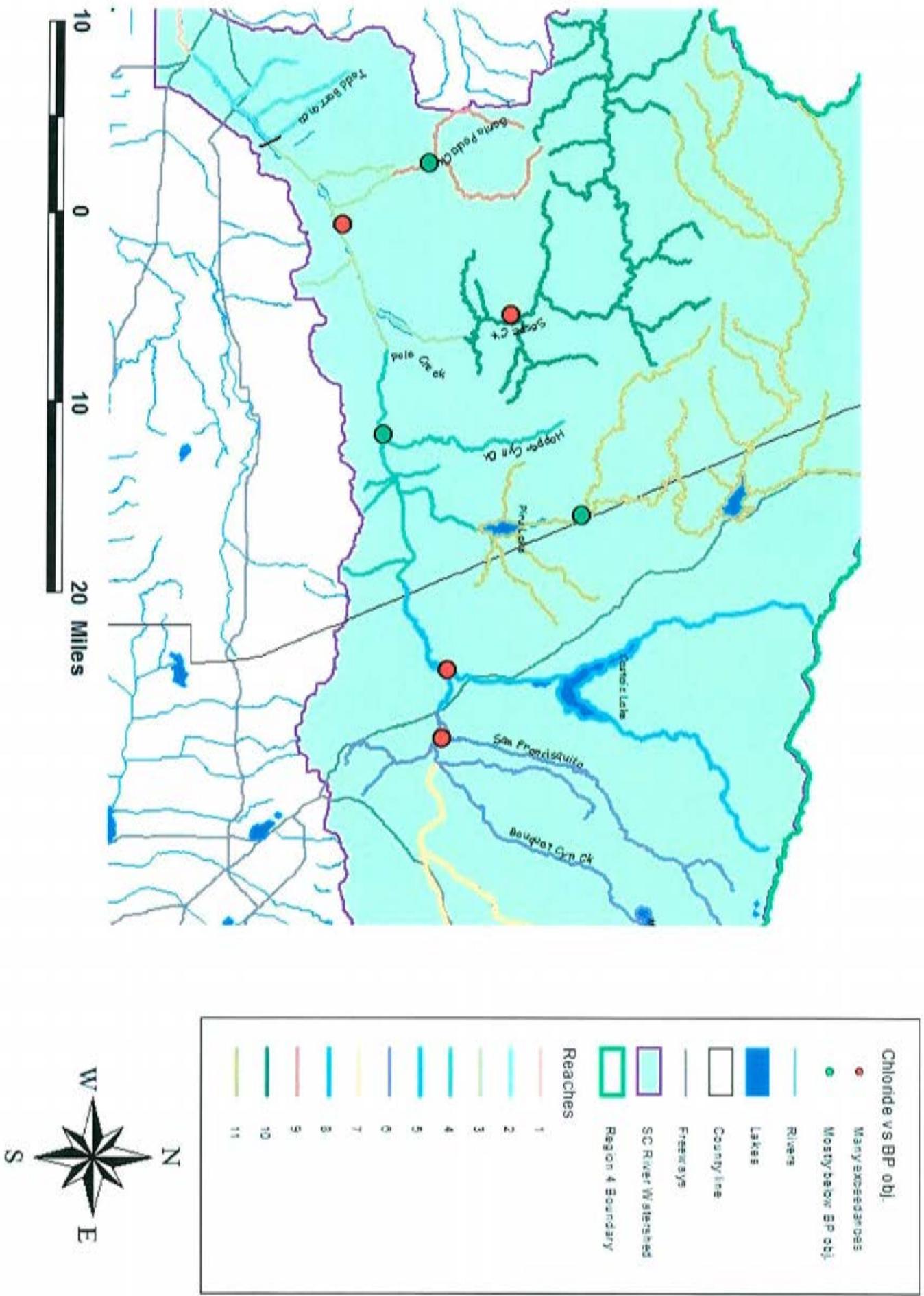
If you have any questions regarding this matter, please contact Jenny Newman at (213) 576-6691 or at jnewman@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

cc: Julie Macedo, Office of Enforcement, State Water Resources Control Board
Frances McChesney, Office of Chief Counsel, State Water Resources Control Board

Figure 11. Santa Clara River Averaged Chloride by Reach Since 1990



FW: county officials say water report needs context

From: Eunie Kang <Eunie@ncwd.org>
To: 'BJ Atkins', "'mgutzeit@compliance-plus.net'", "'Daniel R. Mortensen'", 'Lynne Plambeck', 'Kathryn Colley'
Cc: 'Tim Gosney' <TGosney@lagerlof.com>
Subject: FW: county officials say water report needs context
Date: Jul 20, 2011 2:07 PM

20 Jul 2011

The Signal

By Jim Holt Signal Senior Staff Writer

County officials say water report needs context

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A study examining water quality throughout Los Angeles County needs more context to identify trends and point legislators in the right direction toward maintaining safe drinking water, county Mayor Michael D. Antonovich said Tuesday.

Antonovich, who ordered the water study done at 775 sites last year, presented the finished report to the Los Angeles County Board of Supervisors on Tuesday and filed a motion asking that figures from a 2001 study be presented to the board in 45 days.

"What we want to know is if there are trends so that we can take some sort of action," said Fred Leaf, senior health-policy adviser to Antonovich.

"We want to make some comparisons, looking at numbers side-by-side, line-by-line, so that any trends can be quickly identified and plans made for remedial action."

The water-quality study was carried out by the Environmental Toxicology Laboratory of the Department of Agricultural Commissioner of Weights and Measures.

Researchers informed supervisors that they were pulled away from the study when asked to sample air and monitor radiation following Japan's 9.0-magnitude earthquake and nuclear power station failure in March. Hence the 2001 comparative figures were not available.

Nevertheless, the report shows that a significant number of "small well water facilities" throughout the county, including about 20 sampled in the Santa Clarita Valley, revealed trace amounts of lead, chromium, arsenic and the carcinogenic Chromium +6.

While trace levels of the four substances were detected, none exceeded contamination thresholds set by public health officials.

Water samples taken at wells in the Santa Clarita Valley revealed levels of total chromium greater than 2.5 parts per billion.

California regulations define the maximum contaminant level for total chromium at 50 parts per billion — a more restrictive standard compared to the federal level set by the Environmental Protection Agency at 100 ppb.

None of the 775 samples came close to the maximum allowable level.

Similarly, 15 of the same 20 local wells showed levels of chromium +6 exceeding the same detectable threshold.

And while no maximum contaminant level has been set for the amount of chromium +6 in water, in 1999 state officials classified it a carcinogen.

For arsenic, 17 local wells were found to have levels greater than one part per billion.

The public health threshold for arsenic is set at 10 ppb.

Worrisome for Antonovich aides was the revelation that three wells in Lancaster exhibited unsafe levels of arsenic far above public health threshold.

The only other sample of water countywide showing unsafe levels was water from a well in Lakeview, which contained lead.

Researchers were also able to detect trace amounts of lead in water at one part per billion.

Out of local wells sampled, a dozen of them contained levels of lead that exceeded one part per billion.

Eunie Kang
Executive Assistant
Newhall CWD
23780 North Pine Street
Newhall, CA 91321
661-702-4439 (Direct)
661-259-3610 ext. 229
661-259-9673 (Fax)
www.ncwd.org

Notice:

The Contents of this email and any attachments to it may contain privileged and confidential information from Newhall County Water District. This information is only for the viewing or use of the intended recipient.

Results of Laboratory Testing of Valencia Water Company Wells

**Primary Standards:
 Inorganic Chemicals**

Parameter	MCL	DLR	Units	E-14	E-15	E-16	E-17
Aluminum	1000	50	µg/l	ND	ND	ND	ND
Antimony	6	6	µg/l	ND	ND	ND	ND
Arsenic	50	2	µg/l	ND	ND	ND	ND
Barium	1000	100	µg/l	ND	ND	ND	ND
Beryllium	4	1	µg/l	ND	ND	ND	ND
Cadmium	5	1	µg/l	ND	ND	ND	ND
Chromium (Total)	50	10	µg/l	ND	ND	ND	ND
Fluoride	2	0.1	mg/L	0.89	0.9	0.89	0.83
Lead	50	5	µg/l	ND	ND	ND	ND
Mercury	2	1	µg/l	ND	ND	ND	ND
Nickel	100	10	µg/l	ND	ND	ND	ND
Nitrate (as NO3)	45	2	mg/L	11	14.2	16.8	16.8
Nitrite (as N)	1000	400	µg/l	ND	ND	ND	ND
Nitrate + Nitrite (as N)	10000	400	µg/l	2500	3200	3800	3800
Selenium	50	5	µg/l	ND	ND	ND	ND
Thallium	2	1	µg/l	ND	ND	ND	ND

Regulated Organic Chemicals

Parameter	MCL	DLR	Units	E-14	E-15	E-16	E-17
Volatile Organic Chemicals (VOC's)	variable	variable	µg/l	ND	ND	ND	ND
Synthetic Organic Chemicals (SOC's)	variable	variable	µg/l	ND	ND	ND	ND

Secondary Standards:

Parameter	MCL	DLR	Units	E-14	E-15	E-16	E-17
Apparent Color	15	NA	Units	<3	3	3	3
Chloride	250-500-600	NA	mg/L	75	88	89	74
Copper	1000	50	µg/l	ND	ND	ND	ND
Iron	300	100	µg/l	ND	ND	ND	ND
Manganese	50	20	µg/l	ND	ND	ND	ND
MBAS (foaming agents)	0.5	NA	mg/L	ND	ND	ND	ND
Odor	3	1	units (TON)	1	4	3	1
pH	6.5 - 8.5	NA	units	7.5	7.7	7.3	7.4
Silver	100	10	µg/l	ND	ND	ND	ND
Specific Conductance (E.C.)	900-1600-2,200	NA	umho/cm	1240	1290	1390	1360
Sulfate	250-500-600	0.5	mg/L	340	330	340	340
Total Dissolved Solids (TDS)	500-1000-1500	NA	mg/L	900	890	950	960
Turbidity	5	NA	NTU	0.4	0.9	0.2	0.3
Zinc	5000	50	µg/l	ND	ND	ND	ND

Valencia Water Company
 California Department of Health Services Drinking Water Standards, Title 22
 Wells E-14, E-15, E-16, E-17

Unregulated / Other Chemicals

Parameter	Notification Level	DLR	Units	E-14	E-15	E-16	E-17
Alkalinity	NA	NA	mg/L	230	215	244	254
Bicarbonate (as HCO3)	NA	NA	mg/L	280	262	298	310
Calcium	NA	NA	mg/L	130	120	120	130
Carbonate (as CO3)	NA	NA	mg/L	0.575	0.853	0.386	0.506
Carbon dioxide	NA	NA	µg/l	17700	10500	29900	24700
Hardness (Total as CaCO3)	NA	NA	mg/L	514	481	489	535
Hydroxide	NA	NA	mg/L	0.005	0.009	0.003	0.004
Magnesium	NA	NA	mg/L	46	46	44	51
Potassium	NA	NA	mg/L	4.2	4	3.9	4.4
Sodium	NA	NA	mg/L	100	100	110	110
Total Anions	NA	NA	meq/L	14	13.9	14.8	14.6
Total Cations	NA	NA	meq/L	14.7	14.1	14.7	15.6
Boron	1000	100	µg/l	430	480	460	470
Chromium, hexavalent	NA	1	µg/l	ND	ND	ND	ND
Dichlorodifluoromethane (Freon 12)	100	0.5	µg/l	ND	ND	ND	ND
Ethyl Tert-Butyl Ether (ETBE)	NA	3	µg/l	ND	ND	ND	ND
Langelier Index (25C)	NA	NA	none	0.62	0.75	0.41	0.56
Perchlorate	6	4	µg/l	ND	ND	ND	ND
Tert-Amyl Methyl Ether (TAME)	NA	3	µg/l	ND	ND	ND	ND
Tert-Butyl Alcohol (TBA)	12	2	µg/l	ND	ND	ND	ND
1,2,3-Trichloropropane (1,2,3-TCP)	0.005	0.005	µg/l	ND	ND	ND	ND
Vanadium	50	3	µg/l	ND	ND	ND	ND

Notes: Thiobencarb is listed as both an SOC and a Secondary Standard. The results for thiobencarb are included under SOC results. MTBE is listed as both a VOC and a Secondary Standard. The results for MTBE are included under VOC results. Aluminum is considered both a Primary and Secondary Standard. The results for aluminum are listed under Primary Standards. 2,3,7,8 -TCDD is an SOC. The results are attached. EDB-DBCP are SOC's. They were run separately for E-16. Results are attached to E-16 file. Alkalinity was run separately for E-14. Results are attached to E-14 file.



RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

August 4, 2011

Mr. Keith Abercrombie
General Manager
Valencia Water Company
24631 Avenue Rockefeller
P.O. Box 5904
Valencia, CA 91385

Dear Mr. Abercrombie:

**SYSTEM NO. 1910240 – REQUEST TO INCREASE PERCHLORATE MONITORING
AT WELLS N, N7, N8, S6, S7, S8, 160, AND 205 FROM ANNUALLY TO
QUARTERLY**

Due to the initial perchlorate detection of 5 ug/L in August 2010, Well 201 has since been taken out of service and monitored on a monthly basis. The recent testing continues to show the presence of perchlorate with levels ranging from 5.7 ug/L to 12 ug/L in the well water. Because of this finding, the Department requests that perchlorate monitoring frequency be increased to quarterly at additional sources in proximity that may be vulnerable to perchlorate contamination. These wells include Wells N, N7, N8, S6, S7, S8, 160, and 205. Please begin quarterly monitoring at these wells immediately in the third quarter of 2011 and continue monitoring Well 201 for perchlorate on a monthly basis, and Well Q2 on a quarterly basis.

Please be reminded of the regulatory requirements related to the monitoring and compliance of perchlorate. Per Title 22, Section 64432.3 (d), you are required to do the following whenever you have an MCL exceedance in a single sample of perchlorate:

- Require your laboratory to notify you within 48 hours of the result whenever the level of perchlorate in single sample exceeds the MCL.
- Collect and analyze a confirmation sample within 48 hours of the notification of the original sample.
- Calculate the average of the original and confirmation samples.
- If the average exceeds the MCL, report the results to the Department within 48 hours and issue a Tier 1 notice to your customers within 24 hours after you learn of the violation.

Mr. Keith Abercrombie
Page 2
August 4, 2011

In addition to perchlorate detections, VOCs have also been recently detected at the nearby CLWA Saugus Wells 1 and 2 below the MCLs. It is important that you continue to monitor all of your wells annually for VOCs in order to identify any impact of VOCs on your wells. When any VOCs are detected, you are required to increase the monitoring frequency to quarterly per Title 22, Section 64445.1(c). Please also notify the Department of any VOC detections at your wells immediately.

If you have any questions, please call Karen Wong at (818) 551-2037.

Sincerely,



Jeff O'Keefe, P.E.
District Engineer
Metropolitan District

cc: Mr. Dan Masnada
General Manager
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350

Mr. Jose Diaz
Project Manager
Cal-EPA – DTSC Brownfields and Environmental Restoration
9211 Oakdale Avenue
Chatsworth, CA 91311



RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

August 4, 2011

Mr. Stephen L. Cole
General Manager
Newhall County Water District
23780 North Pine Street
P.O. Box 220970
Santa Clarita, CA 91322-0970

Dear Mr. Cole:

**SYSTEM NO. 1910096 – REQUEST TO INCREASE PERCHLORATE MONITORING
AT WELLS 12 AND 13 FROM ANNUALLY TO QUARTERLY**

Due to confirmed perchlorate detections at Valencia Well 201, the Department requests that perchlorate monitoring frequency be increased to quarterly at additional sources in proximity that may be vulnerable to perchlorate contamination. These wells include Newhall County Water District – Newhall System Wells 12 and 13. Please begin quarterly monitoring at these wells immediately in the third quarter of 2011.

Please be reminded of the regulatory requirements related to the monitoring and compliance of perchlorate. Per Title 22, Section 64432.3 (d), you are required to do the following whenever you have an MCL exceedance in a single sample of perchlorate:

- Require your laboratory to notify you within 48 hours of the result whenever the level of perchlorate in single sample exceeds the MCL.
- Collect and analyze a confirmation sample within 48 hours of the notification of the original sample.
- Calculate the average of the original and confirmation samples.
- If the average exceeds the MCL, report the results to the Department within 48 hours and issue a Tier 1 notice to your customers within 24 hours after you learn of the violation.

In addition to perchlorate detections, VOCs have also been recently detected at the nearby CLWA Saugus Wells 1 and 2 below the MCLs. It is important that you continue to monitor all of your wells annually for VOCs in order to identify any impact of VOCs on your wells. When any VOCs are detected, you are required to increase the monitoring

Mr. Stephen L. Cole
Page 2
August 4, 2011

frequency to quarterly per Title 22, Section 64445.1(c). Please also notify the Department of any VOC detections at your wells immediately. If you have any questions, please call Karen Wong at (818) 551-2037.

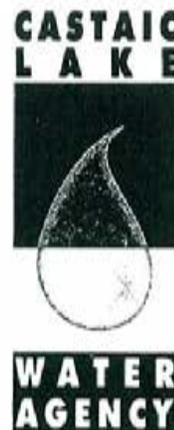
Sincerely,



Jeff O'Keefe, P.E.
District Engineer
Metropolitan District

cc: Mr. Dan Mashada
General Manager
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350

Mr. Jose Diaz
Project Manager
Cal-EPA – DTSC Brownfields and Environmental Restoration
9211 Oakdale Avenue
Chatsworth, CA 91311



July 12, 2011

Ms. Carole Lutness
25439 Via Macarena
Valencia, CA 91355

Re: Public Records Act Request

Dear Ms. Lutness:

In response to your Public Records Act request dated June 15, 2011, as received by the Agency on June 14, 2011, enclosed are copies of responsive and disclosable records in the Agency's files relating to Valencia Water Company's V-201 well. Our review covered the time period through June 15, 2011, the date of your request.

Please note that the Agency first became aware of the initial detection of 5 ppb at V-201 after receiving an August 31, 2010 email from the California Department of Public Health (DPH), which regulates and oversees drinking water quality in the state (page CLWA 7 in the enclosures). There are no responsive records in our files relating to subsequent test results for V-201. The Agency was not made aware of subsequent sampling and test results for V-201 until early June 2011.

We have enclosed a self-addressed stamped envelope. Please return any pages you do not wish to keep and payment of \$0.25 per page for any pages you do wish to keep to my attention. Please call me if you have any questions.

Sincerely,


April Jacobs
Board Secretary

Enclosures

BOARD OF DIRECTORS

PRESIDENT
THOMAS P. CAMPBELL

VICE PRESIDENT
WILLIAM C. COOPER

E.G. "JERRY" GLADBACH
DEAN D. EFSTATHIOU

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PETER KAVOUNAS

EDWARD A. COLLEY

JACQUELYN H. McMILLAN

R. J. KELLY

B. J. ATKINS

KEITH ABERCROMBIE

GENERAL MANAGER
DAN MASNADA

GENERAL COUNSEL
KIDMAN|BEHRENS|
TAGUE LLP

SECRETARY
APRIL JACOBS

From: Howard An [han@clwa.org]
Sent: Tuesday, August 31, 2010 1:52 PM
To: David Kimbrough (CLWA)
Subject: Perchlorate Plant & VWC Wells
Attachments: 08272010.xlsx

7/7/2011 11:36 AM

Analyst HA
 Date Analyzed 8/27/2010
 Date Sampled 8/24-8/26/10

Sample Name	Perchlorate (ppb)	%REC	Limits
LRB			
LRB			
Calib STD 1	5.00		
Calib STD 2	10.00		
Calib STD 3	20.00		
Calib STD 4	40.00		
Calib STD 5	80.00		
LRB			
LFB@25ppb	25.81	103%	± 15%
IPC@25ppb	20.58	82%	± 20%
LRB			
DLR check	4.07	102%	± 50%
STD 1 CCS	5.50	110%	± 25%
QC mid level 8/27/10	19.41	97%	± 10%
LRB			
Influent 8/26	27.72		
Influent dup	27.57		
Influent MS	36.80	91%	± 20%
Influent MSD	36.87	93%	± 20%
Saugus 1	22.55		
Saugus 2	33.23		
Lead	8.43		
Lag			
Effluent			
LRB			
STD 2 CCS	10.65	106%	± 15%
Well N 8/25 VWC			
Well N dup			
Well N MS	9.49	95%	± 20%
Well N MSD	9.35	94%	± 20%
Well N-8			
Well 160			
Well 201	5.02		
Well 205			
LRB			
STD 3 CCS	21.51	108%	± 15%
Effluent 8/24			
Effluent dup			
Effluent MS	9.68		
Effluent MSD	9.71		
Lag			
Lead	8.11		
Saugus 1	23.65		
Saugus 2	33.92		
Influent	28.69		
LRB			

CLWA 2

Chromleon (c) Dionex 1996-2001

7/7/2011 11:36 AM

STD 2 CCS LRB	10.57	106%	± 15%
Conductivity μ S	4690	103.8%	< 10%
Original MCT μ S	4520		
PD _{MH} = 9.69%			< 25%

CLWA 3

Chromeleon (c) Dionex 1996-2001

From: David Kimbrough (CLWA) [IMCEAEX-_O=CLWANET_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DAVIDK@clwa.org]
Sent: Tuesday, August 31, 2010 2:13 PM
To: Jim Leserman
Subject: Perchlorate Plant & VWC Wells
Attachments: 08272010.xlsx

From: Howard An
Sent: Tuesday, August 31, 2010 1:52 PM
To: David Kimbrough (CLWA)
Subject: Perchlorate Plant & VWC Wells

7/7/2011 11:36 AM

Analyst
Date Analyzed
Date Sampled

HA
8/27/2010
8/24-8/26/10

Sample Name	Perchlorate (ppb)	%REC	Limits
LRB			
LRB			
Calib STD 1	5.00		
Calib STD 2	10.00		
Calib STD 3	20.00		
Calib STD 4	40.00		
Calib STD 5	80.00		
LRB			
LFB@25ppb	25.81	103%	± 15%
IPC@25ppb	20.58	82%	± 20%
LRB			
DLR check	4.07	102%	± 50%
STD 1 CCS	5.50	110%	± 25%
QC mid level 8/27/10	19.41	97%	± 10%
LRB			
Influent 8/26	27.72		
Influent dup	27.57		
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Saugus 1	22.55		
Saugus 2	33.23		
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Lag			
Effluent			
LRB			
STD 2 CCS	10.65	106%	± 15%
Well N 8/25 VWC			
Well N dup			
Well N MS	9.49	95%	± 20%
Well N MSD	9.35	94%	± 20%
Well N-8			
Well 160			
Well 201	5.02		
Well 205			
LRB			
STD 3 CCS	21.51	108%	± 15%
Effluent 8/24			
Effluent dup			
Effluent MS	9.68		
Effluent MSD	9.71		
Lag			
Lead	8.11		
Saugus 1	23.65		
Saugus 2	33.92		
Influent	28.69		
LRB			

CLWA 5

Chromeleon (c) Dionex 1996-2001

7/7/2011 11:36 AM

STD 2 CCS LRB	10.57	106%	± 15%
Conductivity μ S	4690	103.8%	< 10%
Original MCT μ S	4520		
PD _{MH} = 9.69%			< 25%

CLWA 6

Chromeleon (c) Dionex 1996-2001

From: O'Keefe, Jeff (CDPH-DDWEM) [Jeff.OKeefe@cdph.ca.gov]
Sent: Tuesday, August 31, 2010 3:16 PM
To: Jim Leserman
Cc: David Kimbrough (CLWA); Brownstein, Susan (CDPH-DDWEM)
Subject: Valencia Well 201m Perchlorate Detect

We just heard from Valencia Water Company that their well 201 had a perchlorate detect of 5 ppb. This concerns me because this well is due west of the Saugus wells (and in close proximity too) and may be an indication that the Saugus wells are not containing the plume. Do you have any opinion about this? Have you noticed any upward trend in the perchlorate levels at the Saugus wells?

From: David Kimbrough (CLWA) [IMCEAEX- O=CLWANET_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DAVIDK@clwa.org]
Sent: Tuesday, August 31, 2010 7:40 PM
To: Lynn Takaichi; Jim Leserman; Jeff.OKeefe@cdph.ca.gov
Cc: Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: RE: Valencia Well 201m Perchlorate Detect
Attachments: image002.png

VWC is scheduled to resample the well shortly.

-----Original Message-----

From: Lynn Takaichi [mailto:LynnTakaichi@KennedyJenks.com]
Sent: Tue 8/31/2010 4:52 PM
To: Jim Leserman; Jeff.OKeefe@cdph.ca.gov
Cc: David Kimbrough (CLWA); Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: Re: Valencia Well 201m Perchlorate Detect

We need to look at the rapid response provisions of the Settlement Agreement.

From: Jim Leserman
To: O'Keefe, Jeff (CDPH-DDWEM)
Cc: David Kimbrough (CLWA) ; Brownstein, Susan (CDPH-DDWEM) ; Lynn Takaichi; Brian Folsom ; Dan Masnada (CLWA) ; Meredith Durant
Sent: Tue Aug 31 16:20:46 2010
Subject: RE: Valencia Well 201m Perchlorate Detect

Jeff,

We will look into the Valencia hits. As you can see below, wellhead data that we have thus far would indicate that the perchlorate concentration in the Saugus Well 1 is going down slightly, or at worst remaining stable. Saugus 2 results show a healthy decrease.

Jim

James R. Leserman, P.E.

Senior Engineer

Castaic Lake Water Agency

Direct Dial (661) 513-1245

General Number (661) 297-1600

Fax: (661) 263-2813

27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

jleserman@clwa.org <<mailto:jleserman@clwa.org>>

www.clwa.org

From: O'Keefe, Jeff (CDPH-DDWEM) [<mailto:Jeff.OKeefe@cdph.ca.gov>]

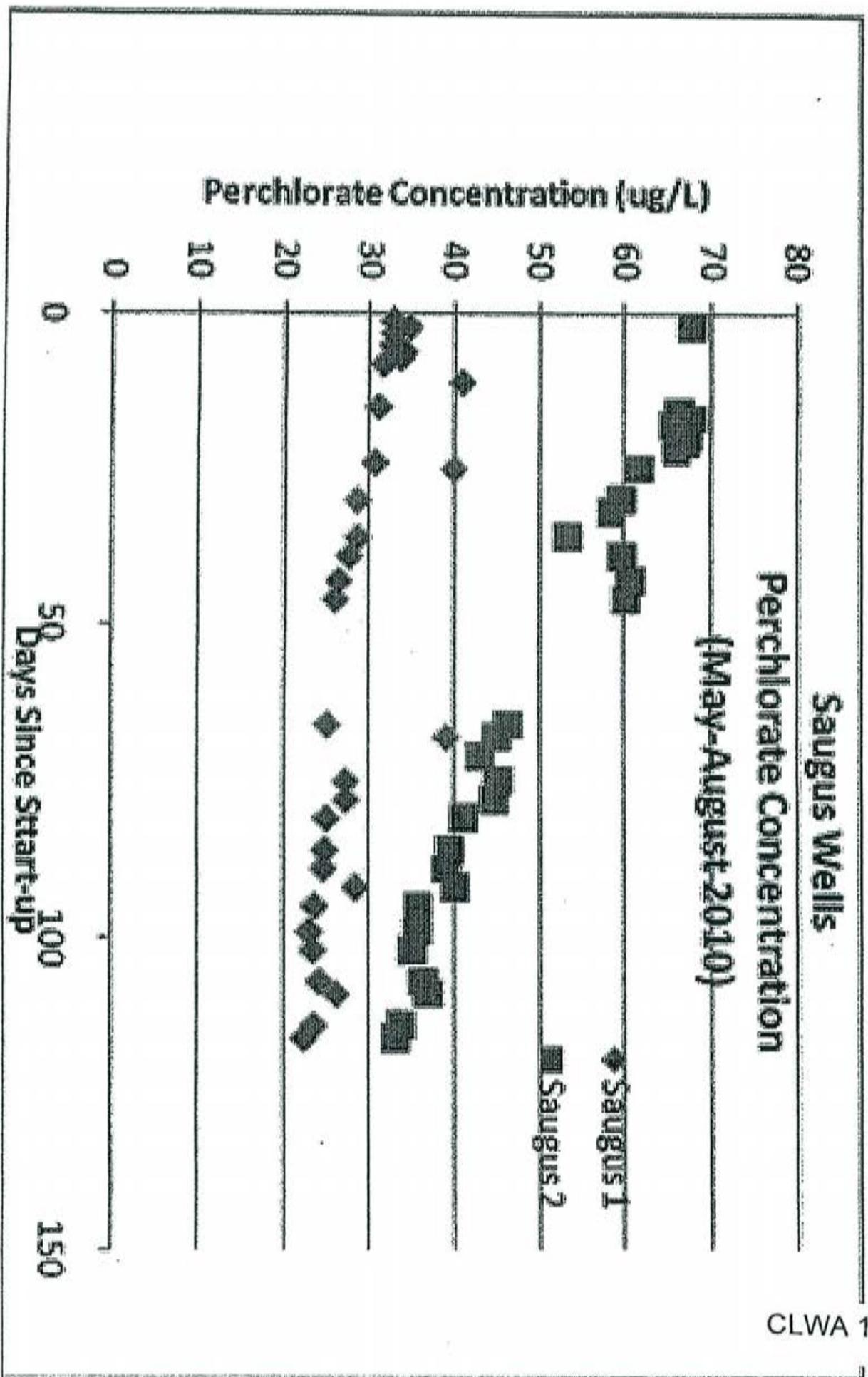
Sent: Tuesday, August 31, 2010 3:16 PM

To: Jim Leserman

Cc: David Kimbrough (CLWA); Brownstein, Susan (CDPH-DDWEM)

Subject: Valencia Well 201m Perchlorate Detect

We just heard from Valencia Water Company that their well 201 had a perchlorate detect of 5 ppb. This concerns me because this well is due west of the Saugus wells (and in close proximity too) and may be an indication that the Saugus wells are not containing the plume. Do you have any opinion about this? Have you noticed any upward trend in the perchlorate levels at the Saugus wells?



From: Brian Folsom [bfolsom@clwa.org]
Sent: Wednesday, September 01, 2010 8:26 AM
To: Jim Leserman; David Kimbrough (CLWA)
Subject: RE: Valencia Well 201m Perchlorate Detect

Do you know when they plan to resample? Is the well still in service?
Where exactly is the well located?

Brian J. Folsom, P.E.
Engineering and Operations Manager
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350
Phone: 661.297.1600 (main)
661.513.1270 (direct)
E-mail: bfolsom@clwa.org

-----Original Message-----

From: Jim Leserman
Sent: Wednesday, September 01, 2010 8:19 AM
To: Bob DiPrimio (bob.diprimio@gmail.com)
Cc: Brian Folsom; Dan Masnada (CLWA)
Subject: FW: Valencia Well 201m Perchlorate Detect

Bob,

Do you have any thoughts?

Jim

James R. Leserman, P.E.
Senior Engineer
Castaic Lake Water Agency
Direct Dial (661) 513-1245
General Number (661) 297-1600
Fax: (661) 263-2813
27234 Bouquet Canyon Road
Santa Clarita, CA 91350-2173
jleserman@clwa.org
www.clwa.org

-----Original Message-----

From: David Kimbrough (CLWA)
Sent: Tuesday, August 31, 2010 7:40 PM
To: Lynn Takaichi; Jim Leserman; Jeff.OKeefe@cdph.ca.gov
Cc: Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: RE: Valencia Well 201m Perchlorate Detect

WVC is scheduled to resample the well shortly.

-----Original Message-----

From: Lynn Takaichi [<mailto:LynnTakaichi@KennedyJenks.com>]
Sent: Tue 8/31/2010 4:52 PM
To: Jim Leserman; Jeff.OKeefe@cdph.ca.gov
Cc: David Kimbrough (CLWA); Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: Re: Valencia Well 201m Perchlorate Detect

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From: Jim Leserman
To: O'Keefe, Jeff (CDPH-DDWEM)
Cc: David Kimbrough (CLWA) ; Brownstein, Susan (CDPH-DDWEM) ; Lynn Takaichi; Brian Folsom ; Dan Masnada (CLWA) ; Meredith Durant
Sent: Tue Aug 31 16:20:46 2010
Subject: RE: Valencia Well 201m Perchlorate Detect

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Cc: David Kimbrough (CLWA); Brownstein, Susan (CDPH-DDWEM)
Subject: Valencia Well 201m Perchlorate Detect

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From: David Kimbrough (CLWA) [IMCEAEX- O=CLWANET_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DAVIDK@clwa.org]
Sent: Wednesday, September 01, 2010 8:45 AM
To: Brian Folsom; Jim Leserman
Subject: RE: Valencia Well 201m Perchlorate Detect

Well 201 is located behind Kohl's on McBean & Del Monte just a block south of Valencia Blvd.

They did not set a date but it will be very soon.

-----Original Message-----

From: Brian Folsom
Sent: Wednesday, September 01, 2010 8:26 AM
To: Jim Leserman; David Kimbrough (CLWA)
Subject: RE: Valencia Well 201m Perchlorate Detect

Do you know when they plan to resample? Is the well still in service?
Where exactly is the well located?

Brian J. Folsom, P.E.
Engineering and Operations Manager
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350
Phone: 661.297.1600 (main)
661.513.1270 (direct)

E-mail: bfolsom@clwa.org

-----Original Message-----

From: Jim Leserman
Sent: Wednesday, September 01, 2010 8:19 AM
To: Bob DiPrimio (bob.diprimio@gmail.com)
Cc: Brian Folsom; Dan Masnada (CLWA)
Subject: FW: Valencia Well 201m Perchlorate Detect

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Santa Clarita, CA 91350-2173
jleserman@clwa.org
www.clwa.org

-----Original Message-----

From: David Kimbrough (CLWA)
Sent: Tuesday, August 31, 2010 7:40 PM
To: Lynn Takaichi; Jim Leserman; Jeff.OKeeffe@cdph.ca.gov
Cc: Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant

Subject: RE: Valencia Well 201m Perchlorate Detect

VWC is scheduled to resample the well shortly.

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Sent: Tue 8/31/2010 4:52 PM

To: Jim Leserman; Jeff.Keefe@cdph.ca.gov

Cc: David Kimbrough (CLWA); Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant

Subject: Re: Valencia Well 201m Perchlorate Detect

We need to look at the rapid response provisions of the Settlement Agreement.

From: Jim Leserman

To: O'Keefe, Jeff (CDPH-DDWEM)

Cc: David Kimbrough (CLWA) ; Brownstein, Susan (CDPH-DDWEM) ; Lynn Takaichi; Brian Folsom ; Dan Masnada (CLWA) ; Meredith Durant

Sent: Tue Aug 31 16:20:46 2010

Subject: RE: Valencia Well 201m Perchlorate Detect

Jeff,

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From: O'Keefe, Jeff (CDPH-DDWEM) [<mailto:Jeff.OKeefe@cdph.ca.gov>]

Sent: Tuesday, August 31, 2010 3:16 PM

To: Jim Leserman

Cc: David Kimbrough (CLWA); Brownstein, Susan (CDPH-DDWEM)

Subject: Valencia Well 201m Perchlorate Detect

We just heard from Valencia Water Company that their well 201 had a perchlorate detect of 5 ppb. This concerns me because this well is due west of the Saugus wells (and in close proximity too) and may be an indication that the Saugus wells are not containing the plume. Do you have any opinion about this? Have you noticed any upward trend in the perchlorate levels at the Saugus wells?

From: EDT (CDPH-DDWEM) [EDT.EDT@cdph.ca.gov]
Sent: Wednesday, September 01, 2010 2:09 PM
To: David Kimbrough (CLWA)
Cc: James Saenz
Subject: RE: VWC Wells N, N-8, 160, 201, & 205 August 25, 2010
Attachments: CTLTOTAL.TXT; GOODONE1.TXT; REPEATS1.TXT

Thank you, for sending the drinking water analyses; listed is a summary of the results received:

Number of .res files received = 5

INCOMING RECORDS	VALID TO WQM/WQI3	ERRORS TO ERR FILE	DUPS TO DUP FILE	REPEAT RECORDS	FINDINGS GT MCL
487	482	0	0	5	0

ALL ATTACHED FILES ARE TEXT TYPE FILES, AND CAN BE OPENED USING EITHER NOTEPAD, WORDPAD, OR MICROSOFT WORD. Attached is a Word file titled "File Extension Definitions" that will explain the meaning of the attached files. If there are any errors (see the above summary to determine if there are any errors that requires further investigation) make the necessary corrections and resubmit the analyses. The attached Word document will assist you with an explanation of the error (if any).

If you need assistance please contact me.

Anthony Meeks
California Department of Public Health
Drinking Water Program
PO Box 997377, MS-7416
Sacramento, CA 95899-7377

1616 Capitol Avenue, Suite 74.421
Sacramento, CA 95899-5052

Telephone: (916) 449-5568
Fax: (916) 440-5602
EDT Email Address: edt@cdph.ca.gov
Personal Email Address: ameeks@cdph.ca.gov

Drinking Water Quality Monitoring Schedule Notification documents provide a list of upcoming and OVER DUE required contaminant testing of drinking water for water systems in California and can be viewed at our website:

<http://www.cdph.ca.gov/certlic/drinkingwater/Pages/Monitoring.aspx>

From: David Kimbrough (CLWA) [<mailto:dkimbrough@clwa.org>]
Sent: Wednesday, September 01, 2010 10:06 AM
To: EDT (CDPH-DDWEM)
Cc: James Saenz
Subject: VWC Wells N, N-8, 160, 201, & 205 August 25, 2010

<<VWC-CLO4-082510.hed>> <<VWC-CLO4-082510.res>> <<VWC-CLO4-082510.sts>>

CTLTOTAL

09/01/10 PSMOD RECORD COUNT OF ALL FILES PROCESSED REPORT: PSMOD1-1
PAGE: 1

FILE COUNT	DOS FILENAME	DOS FILE SIZE	RECORD COUNT
1	1.RES	12084	159
2	11.RES	12084	159
3	12.RES	12084	159
4	13.RES	380	5
5	14.RES	380	5

TOTAL RECORDS 487

09/01/10 PSMOD REPORT OF FILE(S) RECEIVED WITH VALID RECORDS REPORT: PSMOD8-1
PAGE: 1

FILE COUNT	DOS FILENAME	RECORD COUNT
1	1.RES	159
2	11.RES	159
3	12.RES	159
4	13.RES	5
5	14.RES	5

TOTAL 487

09/01/10 14:07.09 PSMOD CONTROL TOTALS REPORT PAGE: 1
REPORT: PSMOD8-2

A: INCOMING RECORDS	B: VALID TO WQM/WQI3	C: ERRORS TO ERR FILE	D: DUPS TO DUP FILE	E: REPEAT RECORDS	G: FINDINGS GT MCL
487	482	0	0	5	0

```

*-----*
A (INCOMING RES RECORDS) MUST BE EQUAL TO
B (RES RECORDS PASSED TO WQM)          PLUS
C (ERROR RECORDS TO ERROR FILE)        PLUS
D (DUPLICATE RECS TO DUPLICATE FILE)   PLUS
E (REPEAT RECORDS TO REPEATS FILE)

=====
F (RECS WITH FINDINGS EXCEEDING MCL)
(RECORDS ARE ALSO IN FILE B OR C ABOVE)

THE COUNTS ARE IN BALANCE.
    
```

CTLTOTAL

0

GOODONE1

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 1
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-004	100504	0000	2104	AGGRSSIVE	82383		13.1
				ALKALINITY	00410		186
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		227
				BROMIDE	82298		0.12
				CADMIUM	01027	<	1.0
				CALCIUM	00916		110
				CARBONATE	00445	<	1
				CHLORIDE	00940		26
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.20
				HARDNESS (	00900		373
				HYDROXIDE	71830	<	1
				IRON	01045		118
				LANGELIER	71814		1.4
				MAGNESIUM	00927		24
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		14.6
				NITRATE +	A-029		3297
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.73
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		2.7
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		50
				SPECIFIC C	00095		850
				SULFATE	00945		199
				THALLIUM	01059	<	1.0
				TURBIDITY,	82079		1.1
				ZINC	01092	<	50.0
	100608	0000	2104	AGGRSSIVE	82383		13.2
				ALKALINITY	00410		185
				ALUMINUM	01105		150
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		226
				BROMIDE	82298		0.14
				CADMIUM	01027	<	1.0
				CALCIUM	00916		92

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 2
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
---------------	-------------	-------------	---------	-------------	-----------	------	---------

GOODONE1							
PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-004	100608	0000	2104	CARBONATE	00445	<	1
				CHLORIDE	00940		28
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.21
				HARDNESS (	00900		310
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71814		1.5
				MAGNESIUM	00927		20
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		13.9
				NITRATE +	A-029		3139
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.62
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		2.5
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		44
				SPECIFIC C	00095		841
				SULFATE	00945		167
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		575
				TURBIDITY,	82079		2.7
				ZINC	01092	<	50.0
	100706	0000	2104	AGGRSSIVE	82383		13.2
				ALKALINITY	00410		186
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		227
				BROMIDE	82298		0.14
				CADMIUM	01027	<	1.0
				CALCIUM	00916		91
				CARBONATE	00445	<	1
				CHLORIDE	00940		28
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.24
				HARDNESS (	00900		310
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71814		1.5

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 3
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-004	100706	0000	2104	MAGNESIUM	00927		20
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		14.1
				NITRATE +	A-029		3184

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
				GOODONE1			
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.61
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		2.6
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		50
				SPECIFIC C	00095		925
				SULFATE	00945		161
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		578
				TURBIDITY,	82079		0.1
				ZINC	01092		803
100803	0000		2104	AGGRSSIVE	82383		13.4
				ALKALINITY	00410		183
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		223
				BROMIDE	82298		0.14
				CADMIUM	01027	<	1.0
				CALCIUM	00916		91
				CARBONATE	00445	<	1
				CHLORIDE	00940		29
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.23
				HARDNESS (	00900		310
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71814		1.7
				MAGNESIUM	00927		20
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		15.6
				NITRATE +	A-029		3184
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.85
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		2.7

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 4
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-004	100803	0000	2104	SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		50
				SPECIFIC C	00095		789
				SULFATE	00945		177
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		493
				TURBIDITY,	82079		0.2
				ZINC	01092		64
1910048-005	100504	0000	2104	AGGRSSIVE	82383		13.2
				ALKALINITY	00410		205

GOODONE1			
ALUMINUM	01105	<	50.0
ANTIMONY	01097	<	6.0
ARSENIC	01002	<	2.0
BARIUM	01007	<	100.0
BERYLLIUM	01012	<	1.0
BICARBONAT	00440		250
BROMIDE	82298		0.09
CADMIUM	01027	<	1.0
CALCIUM	00916		86
CARBONATE	00445	<	1
CHLORIDE	00940		18
CHROMIUM (	01034	<	10.0
COLOR	00081		30
COPPER	01042		896
FLUORIDE (	00951		0.21
HARDNESS (	00900		296
HYDROXIDE	71830	<	1
IRON	01045	<	100.0
LANGELIER	71814		1.5
MAGNESIUM	00927		20
MANGANESE	01055	<	20.0
NICKEL	01067	<	10.0
NITRATE (A	71850		12.9
NITRATE +	A-029		2913
NITRITE (A	00620	<	400
ODOR THRES	00086		1
PH, LABORA	00403		7.59
PHOSPHATE	00650	<	1
POTASSIUM	00937		2.6
SELENIUM	01147	<	5.0
SILVER	01077	<	10.0
SODIUM	00929		38
SPECIFIC C	00095		720
SULFATE	00945		132
THALLIUM	01059	<	1.0
TURBIDITY,	82079		28.6
ZINC	01092	<	50.0
100605 0000 2104	AGGRSSIVE	82383	13.2
	ALKALINITY	00410	193

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 5
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
-----	-----	-----	---	-----	-----	-----	-----
1910048-005	100605	0000	2104	ALUMINUM	01105		95
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		235
				BROMIDE	82298		0.10
				CADMIUM	01027	<	1.0
				CALCIUM	00916		79
				CARBONATE	00445	<	1
				CHLORIDE	00940		18
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042		326
				FLUORIDE (00951		0.21
				HARDNESS (00900		272
				HYDROXIDE	71830	<	1

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CLWA 24

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
				GOODONE1			
				IRON	01045	<	100.0
				LANGELIER	71814		1.5
				MAGNESIUM	00927		18
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		11.9
				NITRATE +	A-029		2687
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.64
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		2.0
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		39
				SPECIFIC C	00095		711
				SULFATE	00945		119
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		573
				TURBIDITY,	82079		2.7
				ZINC	01092		56
100706	0000		2104	AGGRSSIVE	82383		13.1
				ALKALINITY	00410		194
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		237
				BROMIDE	82298		0.11
				CADMIUM	01027	<	1.0
				CALCIUM	00916		83
				CARBONATE	00445	<	1

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 6
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-005	100706	0000	2104	CHLORIDE	00940		20
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.24
				HARDNESS (	00900		284
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71814		1.3
				MAGNESIUM	00927		19
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		9.9
				NITRATE +	A-029		2235
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.47
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		2.8
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		39
				SPECIFIC C	00095		892

100803	0000	2104	GOODONE1		
			SULFATE	00945	111
			THALLIUM	01059	< 1.0
			TOTAL DISS	70300	588
			TURBIDITY,	82079	0.1
			ZINC	01092	< 50.0
			AGGRSSIVE	82383	13.3
			ALKALINITY	00410	191
			ALUMINUM	01105	< 50.0
			ANTIMONY	01097	< 6.0
			ARSENIC	01002	< 2.0
			BARIUM	01007	< 100.0
			BERYLLIUM	01012	< 1.0
			BICARBONAT	00440	233
			BROMIDE	82298	0.11
			CADMIUM	01027	< 1.0
			CALCIUM	00916	85
			CARBONATE	00445	< 1
			CHLORIDE	00940	20
			CHROMIUM (	01034	< 10.0
			COLOR	00081	< 5
			COPPER	01042	< 50.0
			FLUORIDE (	00951	0.24
			HARDNESS (	00900	290
			HYDROXIDE	71830	< 1
			IRON	01045	< 100.0
			LANGELIER	71814	1.6
			MAGNESIUM	00927	19

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 7
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING				
1910048-005	100803	0000	2104	MANGANESE	01055	<	20.0				
				NICKEL	01067	<	10.0				
				NITRATE (A	71850		10.6				
				NITRATE +	A-029		2394				
				NITRITE (A	00620	<	400				
				ODOR THRES	00086		1				
				PH, LABORA	00403		7.68				
				PHOSPHATE	00650	<	1				
				POTASSIUM	00937		2.9				
				SELENIUM	01147	<	5.0				
				SILVER	01077	<	10.0				
				SODIUM	00929		41				
				SPECIFIC C	00095		685				
				SULFATE	00945		111				
				THALLIUM	01059	<	1.0				
				TOTAL DISS	70300		428				
				TURBIDITY,	82079		0.1				
				ZINC	01092	<	50.0				
				1910048-006	100504	0000	2104	AGGRSSIVE	82383		13.4
								ALKALINITY	00410		210
ALUMINUM	01105	<	50.0								
ANTIMONY	01097	<	6.0								
ARSENIC	01002	<	2.0								
BARIUM	01007	<	100.0								
BERYLLIUM	01012	<	1.0								
BICARBONAT	00440		256								
BROMIDE	82298	<	0.1								
CADMIUM	01027	<	1.0								
CALCIUM	00916		104								

GOODONE1

CARBONATE	00445	<	1
CHLORIDE	00940		166
CHROMIUM (	01034	<	10.0
COLOR	00081	<	5
COPPER	01042	<	50.0
FLUORIDE (	00951		0.2
HARDNESS (	00900		353
HYDROXIDE	71830	<	1
IRON	01045	<	100.0
LANGELIER	71813		1.7
MAGNESIUM	00927		23
MANGANESE	01055	<	20.0
NICKEL	01067	<	10.0
NITRATE (A	71850	<	2.0
NITRATE +	A-029	<	400
NITRITE (A	00620	<	400
ODOR THRES	00086		1
PH, LABORA	00403		7.65
PHOSPHATE	00650	<	1
POTASSIUM	00937		2.1
SELENIUM	01147	<	5.0

0 DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 8
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-006	100504	0000	2104	SILVER	01077	<	10.0
				SODIUM	00929		48
				SPECIFIC C	00095		946
				SULFATE	00945		3
				THALLIUM	01059	<	1.0
				TURBIDITY,	82079		1.1
				ZINC	01092	<	50.0
	100607	0000	2104	AGGRSSIVE	82383		13.1
				ALKALINITY	00410		190
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		232
				BROMIDE	82298	<	0.1
				CADMIUM	01027	<	1.0
				CALCIUM	00916		116
				CARBONATE	00445	<	1
				CHLORIDE	00940		28
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.2
				HARDNESS (	00900		390
				HYDROXIDE	71830	<	1
				IRON	01045		159
				LANGELIER	71813		1.4
				MAGNESIUM	00927		25
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		14.1
				NITRATE +	A-029		3184
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1

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GOODONE1			
			PH, LABORA 00403 7.41
			PHOSPHATE 00650 < 1
			POTASSIUM 00937 2.5
			SELENIUM 01147 < 5.0
			SILVER 01077 < 10.0
			SODIUM 00929 49
			SPECIFIC C 00095 892
			SULFATE 00945 175
			THALLIUM 01059 < 1.0
			TOTAL DISS 70300 556
			TURBIDITY, 82079 0.6
			ZINC 01092 < 50.0
100708	0000	2104	AGGRSSIVE 82383 12.8
			ALKALINITY 00410 185
			ALUMINUM 01105 < 50.0

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 9
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-006	100708	0000	2104	ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		226
				BROMIDE	82298	<	0.1
				CADMIUM	01027	<	1.0
				CALCIUM	00916		70
				CARBONATE	00445	<	1
				CHLORIDE	00940		23
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.2
				HARDNESS (	00900		241
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71813		1.1
				MAGNESIUM	00927		16
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		11.9
				NITRATE +	A-029		2687
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.32
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		1.3
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		33
				SPECIFIC C	00095		892
				SULFATE	00945		137
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		558
				TURBIDITY,	82079		0.1
				ZINC	01092	<	50.0
100802	0000	2104	AGGRSSIVE	82383			13.2
			ALKALINITY	00410			179
			ALUMINUM	01105	<		50.0
			ANTIMONY	01097	<		6.0

GOODONE1
 ARSENIC 01002 < 2.0
 BARIUM 01007 < 100.0
 BERYLLIUM 01012 < 1.0
 BICARBONAT 00440 218
 BROMIDE 82298 < 0.1
 CADMIUM 01027 < 1.0
 CALCIUM 00916 87
 CARBONATE 00445 < 1
 CHLORIDE 00940 25

DATE: 09/01/10 SYSTEM NUMBER: 1910048 PAGE: 10
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910048-006	100802	0000	2104	CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.2
				HARDNESS (	00900		300
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71813		1.5
				MAGNESIUM	00927		20
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		12.2
				NITRATE +	A-029		2755
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.65
				PHOSPHATE	00650	<	1
				POTASSIUM	00937		3.3
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		44
				SPECIFIC C	00095		735
				SULFATE	00945		138
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		459
				TURBIDITY,	82079		0.1
				ZINC	01092	<	50.0

 End of ACCEPTABLE and LOADABLE data for System Number: 1910048

DATE: 09/01/10 SYSTEM NUMBER: 1910240 PAGE: 1
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910240-003	100825	0000	2104	PERCHLORAT	A-031	<	4.0
1910240-004	100825	0000	2104	PERCHLORAT	A-031	<	4.0
1910240-020	100825	0000	2104	PERCHLORAT	A-031		5.0
1910240-047	100825	0000	2104	PERCHLORAT	A-031	<	4.0
1910240-048	100825	0000	2104	PERCHLORAT	A-031	<	4.0

 End of ACCEPTABLE and LOADABLE data for System Number: 1910240

GOODONE1

0

	REPEATS1		
00003AS1910240-003	10082500004TH2104100827A-031<	4.0100901	2
00001AS1910240-004	10082500004TH2104100827A-031<	4.0100901	2
00005AS1910240-020	10082500004TH2104100827A-031	5.0100901	2
00002AS1910240-047	10082500004TH2104100827A-031<	4.0100901	2
00006AS1910240-048	10082500004TH2104100827A-031<	4.0100901	2

0

From: David Kimbrough (CLWA) [IMCEAEX-OU=CLWANET_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DAVIDK@clwa.org]
Sent: Tuesday, September 07, 2010 9:41 AM
To: Lynn Takaichi; Jim Leserman; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: Valencia Well 201 Perchlorate Detect - Sampling

Good Morning,

Might I suggest that it could be informative to have the sentinel wells monitored for perchlorate.

David Eugene Kimbrough, Ph.D.

Laboratory Supervisor

Castaic Lake Water Agency

27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

661.297.1600

dkimbrough@clwa.org

-----Original Message-----

From: David Kimbrough (CLWA)
Sent: Tuesday, August 31, 2010 7:40 PM
To: Lynn Takaichi; Jim Leserman; Jeff.Keefe@cdph.ca.gov
Cc: Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: RE: Valencia Well 201m Perchlorate Detect

VWC is scheduled to resample the well shortly.

-----Original Message-----

From: Lynn Takaichi [<mailto:LynnTakaichi@KennedyJenks.com>]

Sent: Tue 8/31/2010 4:52 PM

To: Jim Leserman; Jeff.Keefe@cdph.ca.gov

Cc: David Kimbrough (CLWA); Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant

Subject: Re: Valencia Well 201m Perchlorate Detect

We need to look at the rapid response provisions of the Settlement Agreement.

From: Jim Leserman

To: O'Keefe, Jeff (CDPH-DDWEM)

Cc: David Kimbrough (CLWA) ; Brownstein, Susan (CDPH-DDWEM) ; Lynn Takaichi; Brian Folsom ; Dan Masnada (CLWA) ; Meredith Durant

Sent: Tue Aug 31 16:20:46 2010

Subject: RE: Valencia Well 201m Perchlorate Detect

Jeff,

We will look into the Valencia hits. As you can see below, wellhead data that we have thus far would indicate that the perchlorate concentration in the Saugus Well 1 is going down slightly, or at worst remaining stable. Saugus 2 results show a healthy decrease.

Jim

CLWA 33

James R. Leserman, P.E.

Senior Engineer

Castaic Lake Water Agency

Direct Dial (661) 513-1245

General Number (661) 297-1600

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27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

jleserman@clwa.org <<mailto:jleserman@clwa.org>>

www.clwa.org

From: O'Keefe, Jeff (CDPH-DDWEM) [<mailto:Jeff.OKeefe@cdph.ca.gov>]

Sent: Tuesday, August 31, 2010 3:16 PM

To: Jim Leserman

Cc: David Kimbrough (CLWA); Brownstein, Susan (CDPH-DDWEM)

Subject: Valencia Well 201m Perchlorate Detect

We just heard from Valencia Water Company that their well 201 had a perchlorate detect of 5 ppb. This concerns me because this well is due west of the Saugus wells (and in close proximity too) and may be an indication that the Saugus wells are not containing the plume. Do you have any opinion about this? Have you noticed any upward trend in the perchlorate levels at the Saugus wells?

From: David Kimbrough (CLWA) [IMCEAEX_O=CLWANET_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DAVIDK@clwa.org]
Sent: Tuesday, September 07, 2010 12:05 PM
To: David Kimbrough (CLWA); Lynn Takaichi; Jim Leserman; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: RE: Valencia Well 201 Perchlorate Detect - Re-Sampling

Good Afternoon,

I am informed that VWC has shut well 201 down and will not re-sample for compliance purposes for three months. There may be some "unofficial" sampling sooner.

David Eugene Kimbrough, Ph.D.
Laboratory Supervisor
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350-2173
661.297.1600
dkimbrough@clwa.org

From: David Kimbrough (CLWA)
Sent: Tuesday, September 07, 2010 9:41 AM
To: 'Lynn Takaichi'; Jim Leserman; Brian Folsom; Dan Masnada (CLWA); 'Meredith Durant'
Subject: Valencia Well 201 Perchlorate Detect - Sampling

Good Morning,

Might I suggest that it could be informative to have the sentinel wells monitored for perchlorate.

David Eugene Kimbrough, Ph.D.
Laboratory Supervisor
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350-2173
661.297.1600
dkimbrough@clwa.org

-----Original Message-----

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Sent: Tuesday, August 31, 2010 7:40 PM
To: Lynn Takaichi; Jim Leserman; Jeff.Keefe@cdph.ca.gov
Cc: Susan.Brownstein@cdph.ca.gov; Brian Folsom; Dan Masnada (CLWA); Meredith Durant
Subject: RE: Valencia Well 201m Perchlorate Detect

VWC is scheduled to resample the well shortly.

-----Original Message-----

From: Lynn Takaichi [<mailto:LynnTakaichi@KennedyJenks.com>]
Sent: Tue 8/31/2010 4:52 PM
To: Jim Leserman; Jeff.Keefe@cdph.ca.gov
Cc: David Kimbrough (CLWA); Susan.Brownstein@cdph.ca.gov; Brian Folsom;
Dan Masnada (CLWA); Meredith Durant
Subject: Re: Valencia Well 201m Perchlorate Detect

We need to look at the rapid response provisions of the Settlement Agreement.

From: Jim Leserman
To: O'Keefe, Jeff (CDPH-DDWEM)
Cc: David Kimbrough (CLWA) ; Brownstein, Susan (CDPH-DDWEM) ; Lynn Takaichi; Brian Folsom ; Dan Masnada (CLWA) ; Meredith Durant
Sent: Tue Aug 31 16:20:46 2010
Subject: RE: Valencia Well 201m Perchlorate Detect

Jeff,

We will look into the Valencia hits. As you can see below, wellhead data that we have thus far would indicate that the perchlorate concentration in the Saugus Well 1 is going down slightly, or at worst remaining stable. Saugus 2 results show a healthy decrease.

Jim

James R. Leserman, P.E.

CLWA 36

Senior Engineer

Castaic Lake Water Agency

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Santa Clarita, CA 91350-2173

jleserman@clwa.org <<mailto:jleserman@clwa.org>>

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From: O'Keefe, Jeff (CDPH-DDWEM) [<mailto:Jeff.OKeefe@cdph.ca.gov>]

Sent: Tuesday, August 31, 2010 3:16 PM

To: Jim Leserman

Cc: David Kimbrough (CLWA); Brownstein, Susan (CDPH-DDWEM)

Subject: Valencia Well 201m Perchlorate Detect

We just heard from Valencia Water Company that their well 201 had a perchlorate detect of 5 ppb. This concerns me because this well is due west of the Saugus wells (and in close proximity too) and may be an indication that the Saugus wells are not containing the plume. Do you have any opinion about this? Have you noticed any upward trend in the perchlorate levels at the Saugus wells?

CLWA 37

From: David Kimbrough (CLWA) [IMCEAEX-_O=CLWANET_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DAVIDK@clwa.org]
Sent: Wednesday, October 06, 2010 10:22 AM
To: James Saenz
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810
Attachments: vwc-u-6-gm-gp-io-072110.pdf; vwc-u-4-gm-gp-io-072110.pdf

From: James Saenz [<mailto:jsaenz@valenciawater.com>]
Sent: Wednesday, October 06, 2010 10:24 AM
To: David Kimbrough (CLWA)
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Thanks, I also need the results for wells U-4 and S-7.

James Saenz

Water Quality Specialist

Valencia Water Company

Office (661) 295-6579

Cell (661) 810-1749

From: David Kimbrough (CLWA) [<mailto:dkimbrough@clwa.org>]
Sent: Wednesday, October 06, 2010 9:20 AM
To: James Saenz
Cc: engr temp1
Subject: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Sorry for the delay.

David Eugene Kimbrough, Ph.D.

Laboratory Supervisor

Castaic Lake Water Agency

27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

661.297.1600

<<mailto:dkimbrough@clwa.org>> dkimbrough@clwa.org

CLWA 38

<<vwc-n-gm-gp-io-072810.pdf>> <<vwc-201-gm-gp-io-072810.pdf>> <<vwc-205-gm-gp-io-072810.pdf>> <<vwc-n-8-gm-gp-io-072810.pdf>> <<vwc-160-gm-gp-io-072810.pdf>>

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From: James Saenz [jsaenz@valenciawater.com]
Sent: Wednesday, October 06, 2010 10:24 AM
To: David Kimbrough (CLWA)
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Thanks, I also need the results for wells U-4 and S-7.

James Saenz
Water Quality Specialist
Valencia Water Company
Office (661) 295-6579
Cell (661) 810-1749

From: David Kimbrough (CLWA) [mailto:dkimbrough@clwa.org]
Sent: Wednesday, October 06, 2010 9:20 AM
To: James Saenz
Cc: engr temp1
Subject: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Sorry for the delay.

David Eugene Kimbrough, Ph.D.

Laboratory Supervisor

Castaic Lake Water Agency

27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

661.297.1600

<mailto:dkimbrough@clwa.org> dkimbrough@clwa.org

<<vwc-n-gm-gp-io-072810.pdf>> <<vwc-201-gm-gp-io-072810.pdf>> <<vwc-205-gm-gp-io-072810.pdf>> <<vwc-n-8-gm-gp-io-072810.pdf>> <<vwc-160-gm-gp-io-072810.pdf>>

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From: David Kimbrough (CLWA) [IMCEAEX-O=CLWANET_OU=FIRST+20ADMINISTRATIVE+20GROUP_CN=RECIPIENTS_CN=DAVIDK@clwa.org]
Sent: Wednesday, October 06, 2010 10:33 AM
To: James Saenz
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810
Attachments: vwc-s-7-gm-gp-io-071410.pdf

From: James Saenz [mailto:jsaenz@valenciawater.com]
Sent: Wednesday, October 06, 2010 10:35 AM
To: David Kimbrough (CLWA)
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Thanks again, I need Well S-7 results.

James Saenz

Water Quality Specialist

Valencia Water Company

Office (661) 295-6579

Cell (661) 810-1749

From: David Kimbrough (CLWA) [mailto:dkimbrough@clwa.org]
Sent: Wednesday, October 06, 2010 10:22 AM
To: James Saenz
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

From: James Saenz [mailto:jsaenz@valenciawater.com]
Sent: Wednesday, October 06, 2010 10:24 AM
To: David Kimbrough (CLWA)
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Thanks, I also need the results for wells U-4 and S-7.

James Saenz

Water Quality Specialist

Valencia Water Company

Office (661) 295-6579

Cell (661) 810-1749

From: David Kimbrough (CLWA) [mailto:dkimbrough@clwa.org]
Sent: Wednesday, October 06, 2010 9:20 AM
To: James Saenz
Cc: engr temp1
Subject: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Sorry for the delay.

David Eugene Kimbrough, Ph.D.

Laboratory Supervisor

Castaic Lake Water Agency

27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

661.297.1600

dkimbrough@clwa.org

<<vwc-n-gm-gp-io-072810.pdf>> <<vwc-201-gm-gp-io-072810.pdf>> <<vwc-205-gm-gp-io-072810.pdf>> <<vwc-n-8-gm-gp-io-072810.pdf>> <<vwc-160-gm-gp-io-072810.pdf>>

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CLWA - Water Quality Laboratory
 27234 Bouquet Canyon Road
 Santa Clarita, CA 91350-2173

EDT

GENERAL MINERAL & PHYSICAL & INORGANIC ANALYSIS (9/99)

Date of Report: 10/08/16

Sample ID No.S-7 071410

Laboratory

Signature Lab

[Handwritten Signature]



Name: CASTAIC LAKE WATER AGENCY

Director:

Employed By: Valencia Water Co.

Date/Time Sample

Date/Time Sample

Date Analyses

Collected:10/07/14/0000

Received @ Lab:10/07/14/0000

Completed:10/07/21

System

Name:VALENCIA WATER CO.

System

Number: 1910240

Name or Number of Sample Source:WELL S-7

* User ID: 4TH

Station Number: 1910240-026

* Date/Time of Sample: |10|07|14|0000|

Laboratory Code: 2104

YY MM DD TTTT

YY MM DD

Date Analysis completed: |10|07|21|

* Submitted by:

Phone #:

MCL	REPORTING	CHEMICAL	ENTRY	ANALYSES	DLR
	UNITS		#	RESULTS	
	mg/L	Total Hardness (as CaCO3) (mg/L)	00900	385	
	mg/L	Calcium (Ca) (mg/L)	00916	99	
	mg/L	Magnesium (Mg) (mg/L)	00927	34	
	mg/L	Sodium (NA) (mg/L)	00929	113	
	mg/L	Potassium (K) (mg/L)	00937	2.6	

| Total Cations Meq/L Value: 12.72 |

	mg/L	Total Alkalinity (AS CaCO3) (mg/L)	00410	248	
	mg/L	Hydroxide (OH) (mg/L)	71830	< 1	
	mg/L	Carbonate (CO3) (mg/L)	00445	< 1	
	mg/L	Bicarbonate (HCO3) (mg/L)	00440	303	
*	mg/L+	Sulfate (SO4) (mg/L)	00945	170	.5
*	mg/L+	Chloride (Cl) (mg/L)	00940	128	
45	mg/L	Nitrate (as NO3) (mg/L)	71850	18.4	2.0
2	mg/L	Fluoride (F) (Natural-Source)	00951	0.3	.1

| Total Anions Meq/L Value: 12.43 |

	Std.Units+	PH (Laboratory) (Std.Units)	00403	7.42	
***	umho/cm+	Specific Conductance (E.C.) (umhos/cm)	00095	1311	
****	mg/L+	Total Filterable Residue@180C(TDS) (mg/L)	70300	819	
15	Units	Apparent Color (Unfiltered) (Units)	00081	< 5	
3	TON	Odor Threshold at 60 C (TON)	00086	1	1.
5	NTU	Lab Turbidity (NTU)	82079	0.09	
0.5	mg/L+	MBAS (mg/L)	38260		

* 250-500-600 ** 0.6-1.7 *** 900-1600-2200 **** 500-1000-1500

MCL	REPORTING UNITS	CHEMICAL	ENTRY #	ANALYSES RESULTS	DLR
1000	ug/L	Aluminum (Al) (ug/L)	01105	< 50.0	50.0
6	ug/L	Antimony (ug/L)	01097	< 6.0	6.0
10	ug/L	Arsenic (As) (ug/L)	01002	< 2.0	2.0
1000	ug/L	Barium (Ba) (ug/L)	01007	< 100.0	100.0
4	ug/L	Beryllium (ug/L)	01012	< 1.0	1.0
5	ug/L	Cadmium (Cd) (ug/L)	01027	< 1.0	1.0
50	ug/L	Chromium (Total Cr) (ug/L)	01034	< 10.0	10.0
1000	ug/L+	Copper (Cu) (ug/L)	01042	< 50.0	50.0
300	ug/L+	Iron (Fe) (ug/L)	01045	< 100.0	100.0
50	ug/L+	Manganese (Mn) (ug/L)	01055	< 20.0	20.0
100	ug/L	Nickel (ug/L)	01067	< 10.0	10.0
50	ug/L	Selenium (Se) (ug/L)	01147	< 5.0	5.0
100	ug/L+	Silver (Ag) (ug/L)	01077	< 10.0	10.0
2	ug/L	Thallium (ug/L)	01059	< 1.0	1.0
	ug/L	Uranium (ug/L)	28011	< 1.0	1.0
5000	ug/L	Zinc (Zn) (ug/L)	01092	< 50.0	50.0

ADDITIONAL ANALYSES

		Langelier Index at 60 C	71813	| 1.5	
		Agressiveness Index	82383	| 13.2	
10000	ug/L	Nitrate + Nitrite as Nitrogen(N) (ug/L)	A-029	| 4155	400
1000	ug/L	Nitrite as Nitrogen(N) (ug/L)	00620	< 400	400

+ Indicates Secondary Drinking Water Standards

From: James Saenz [jsaenz@valenciawater.com]
Sent: Wednesday, October 06, 2010 10:35 AM
To: David Kimbrough (CLWA)
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Thanks again, I need Well S-7 results.

James Saenz
Water Quality Specialist
Valencia Water Company
Office (661) 295-6579
Cell (661) 810-1749

From: David Kimbrough (CLWA) [mailto:dkimbrough@clwa.org]
Sent: Wednesday, October 06, 2010 10:22 AM
To: James Saenz
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

From: James Saenz [mailto:jsaenz@valenciawater.com]
Sent: Wednesday, October 06, 2010 10:24 AM
To: David Kimbrough (CLWA)
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Thanks, I also need the results for wells U-4 and S-7.

James Saenz
Water Quality Specialist
Valencia Water Company
Office (661) 295-6579
Cell (661) 810-1749

From: David Kimbrough (CLWA) [mailto:dkimbrough@clwa.org]
Sent: Wednesday, October 06, 2010 9:20 AM

CLWA 45

To: James Saenz
Cc: engr temp1
Subject: VWC N, N-8, 160, 201, 205 GM GP IO 072810

Sorry for the delay.

David Eugene Kimbrough, Ph.D.

Laboratory Supervisor

Castaic Lake Water Agency

27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

661.297.1600

<mailto:dkimbrough@clwa.org> dkimbrough@clwa.org

<<vwc-n-gm-gp-io-072810.pdf>> <<vwc-201-gm-gp-io-072810.pdf>> <<vwc-205-gm-gp-io-072810.pdf>> <<vwc-n-8-gm-gp-io-072810.pdf>> <<vwc-160-gm-gp-io-072810.pdf>>

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CLWA 46

From: EDT (CDPH-DDWEM) [EDT.EDT@cdph.ca.gov]
Sent: Wednesday, October 13, 2010 11:07 AM
To: David Kimbrough (CLWA)
Cc: James Saenz
Subject: RE: VWC N, N-8, 160, 201, 205 GM GP IO 072810 & Softening 0910
Attachments: CTLTOTAL.TXT; GOODONE1.TXT

Thank you, for sending the drinking water analyses; listed is a summary of the results received:

Number of .res files received = 2

INCOMING RECORDS	VALID TO WQM/WQI3	ERRORS TO ERR FILE	DUPS TO DUP FILE	REPEAT RECORDS	FINDINGS GT MCL
208	208	0	0	0	0

ALL ATTACHED FILES ARE TEXT TYPE FILES, AND CAN BE OPENED USING EITHER NOTEPAD, WORDPAD, OR MICROSOFT WORD. Attached is a Word file titled "File Extension Definitions" that will explain the meaning of the attached files. If there are any errors (see the above summary to determine if there are any errors that requires further investigation) make the necessary corrections and resubmit the analyses. The attached Word document will assist you with an explanation of the error (if any).

If you need assistance please contact me.

Anthony Meeks
California Department of Public Health
Drinking Water Program
PO Box 997377, MS-7416
Sacramento, CA 95899-7377

1616 Capitol Avenue, Suite 74.421
Sacramento, CA 95899-5052

Telephone: (916) 449-5568
Fax: (916) 440-5602
EDT Email Address: edt@cdph.ca.gov
Personal Email Address: ameeks@cdph.ca.gov

Drinking Water Quality Monitoring Schedule Notification documents provide a list of upcoming and OVER DUE required contaminant testing of drinking water for water systems in California and can be viewed at our website:

<http://www.cdph.ca.gov/certlic/drinkingwater/Pages/Monitoring.aspx>

From: David Kimbrough (CLWA) [<mailto:dkimbrough@clwa.org>]
Sent: Tuesday, October 12, 2010 3:02 PM
To: EDT (CDPH-DDWEM)
Cc: James Saenz
Subject: VWC N, N-8, 160, 201, 205 GM GP IO 072810 & Softening 0910

CLWA 47

David Eugene Kimbrough, Ph.D.

Laboratory Supervisor

Castaic Lake Water Agency

27234 Bouquet Canyon Road

Santa Clarita, CA 91350-2173

661.297.1600

dkimbrough@clwa.org

<<VWC-GM-GP-IO-072810.hed>> <<VWC-GM-GP-IO-072810.rbu>> <<VWC-GM-GP-IO-072810.hbu>> <<VWC-GM-GP-IO-072810.sts>> <<VWC-GM-GP-IO-072810.res>> <<VWC-SOFT-0910.hed>> <<VWC-SOFT-0910.sts>> <<VWC-SOFT-0910.res>>

CTLTOTAL

10/13/10 PSMOD RECORD COUNT OF ALL FILES PROCESSED REPORT: PSMOD1-1
PAGE: 1

FILE COUNT	DOS FILENAME	DOS FILE SIZE	RECORD COUNT
1	1.RES	14440	190
2	2.RES	1368	18

TOTAL RECORDS 208

10/13/10 PSMOD REPORT OF FILE(S) RECEIVED WITH VALID RECORDS REPORT: PSMOD8-1
PAGE: 1

FILE COUNT	DOS FILENAME	RECORD COUNT
1	1.RES	190
2	2.RES	18

TOTAL
208

10/13/10 11:05.49 PSMOD CONTROL TOTALS REPORT PAGE: 1
REPORT: PSMOD8-2

A: INCOMMING RECORDS	B: VALID TO WQM/WQI3	C: ERRORS TO ERR FILE	D: DUPS TO DUP FILE	E: REPEAT RECORDS	G: FINDINGS GT MCL
208	208	0	0	0	0

```

*-----*
A (INCOMMING RES RECORDS) MUST BE EQUAL TO
B (RES RECORDS PASSED TO WQM) PLUS
C (ERROR RECORDS TO ERROR FILE) PLUS
D (DUPLICATE RECS TO DUPLICATE FILE) PLUS
E (REPEAT RECORDS TO REPEATS FILE)
=====
F (RECS WITH FINDINGS EXCEEDING MCL)
(RECORDS ARE ALSO IN FILE B OR C ABOVE)

THE COUNTS ARE IN BALANCE.
---
```

GOODONE1

DATE: 10/13/10 SYSTEM NUMBER: 1910240 PAGE: 1
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910240-003	100728	0000	2104	AGGRSSIVE	82383		13.2
				ALKALINITY	00410		206
				ALUMINUM	01105		178
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		251
				CADMIUM	01027	<	1.0
				CALCIUM	00916		125
				CARBONATE	00445	<	1
				CHLORIDE	00940		25.8
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.4
				HARDNESS (	00900		469
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71813		1.55
				MAGNESIUM	00927		38
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		10.7
				NITRATE +	A-029		2416
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.45
				POTASSIUM	00937		2.7
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		62
				SPECIFIC C	00095		1091
SULFATE	00945		322				
THALLIUM	01059	<	1.0				
TOTAL DISS	70300		618				
TURBIDITY,	82079		0.08				
ZINC	01092	<	50.0				
1910240-004	100728	0000	2104	AGGRSSIVE	82383		13.1
				ALKALINITY	00410		237
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		289
				CADMIUM	01027	<	1.0
				CALCIUM	00916		100
CARBONATE	00445	<	1				
CHLORIDE	00940		92.7				

DATE: 10/13/10 SYSTEM NUMBER: 1910240 PAGE: 2
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
---------------	-------------	-------------	---------	-------------	-----------	------	---------

GOODONE1							
STATION	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910240-004	100728	0000	2104	CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.3
				HARDNESS (	00900		356
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71813		1.37
				MAGNESIUM	00927		26
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		16.0
				NITRATE +	A-029		3613
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.33
				POTASSIUM	00937		4.2
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		88
				SPECIFIC C	00095		1046
				SULFATE	00945		144
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		652
				TURBIDITY,	82079		0.09
1910240-017	100915	0000	2104	ZINC	01092	<	50.0
				CALCIUM	00916		84.8
				CHLORIDE	00940		36.9
				COLOR	00081	<	5
				HARDNESS (	00900		369
				MAGNESIUM	00927		38.2
				ODOR THRES	00086		1
				PH, LABORA	00403		7.43
				SODIUM	00929		54.7
				TOTAL DISS	70300		580
1910240-020	100728	0000	2104	AGGRSSIVE	82383		13.2
				ALKALINITY	00410		219
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		267
				CADMIUM	01027	<	1.0
				CALCIUM	00916		172
				CARBONATE	00445	<	1
				CHLORIDE	00940		38.1
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0

DATE: 10/13/10 SYSTEM NUMBER: 1910240 PAGE: 3
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910240-020	100728	0000	2104	FLUORIDE (	00951		0.3
				HARDNESS (	00900		636
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71813		1.56

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910240-047	100728	0000	2104	GOODONE1			
				MAGNESIUM	00927		50
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		17.3
				NITRATE +	A-029		3906
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1
				PH, LABORA	00403		7.33
				POTASSIUM	00937		3.4
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		68
				SPECIFIC C.	00095		1425
				SULFATE	00945		495
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		891
				TURBIDITY,	82079		0.12
				ZINC	01092	<	50.0
				AGGRSSIVE	82383		13.2
				ALKALINITY	00410		276
				ALUMINUM	01105	<	50.0
				ANTIMONY	01097	<	6.0
				ARSENIC	01002	<	2.0
				BARIUM	01007	<	100.0
				BERYLLIUM	01012	<	1.0
				BICARBONAT	00440		337
				CADMIUM	01027	<	1.0
				CALCIUM	00916		111
				CARBONATE	00445	<	1
				CHLORIDE	00940		90.6
				CHROMIUM (	01034	<	10.0
				COLOR	00081	<	5
				COPPER	01042	<	50.0
				FLUORIDE (	00951		0.3
				HARDNESS (	00900		405
				HYDROXIDE	71830	<	1
				IRON	01045	<	100.0
				LANGELIER	71813		1.54
				MAGNESIUM	00927		31
				MANGANESE	01055	<	20.0
				NICKEL	01067	<	10.0
				NITRATE (A	71850		21.4
				NITRATE +	A-029		4832
				NITRITE (A	00620	<	400
				ODOR THRES	00086		1

DATE: 10/13/10 SYSTEM NUMBER: 1910240 PAGE: 4
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910240-047	100728	0000	2104	PH, LABORA	00403		7.38
				POTASSIUM	00937		4.6
				SELENIUM	01147	<	5.0
				SILVER	01077	<	10.0
				SODIUM	00929		89
				SPECIFIC C	00095		1134
				SULFATE	00945		151
				THALLIUM	01059	<	1.0
				TOTAL DISS	70300		707
				TURBIDITY,	82079		0.08
				ZINC	01092	<	50.0

System ID	Sample ID	Time	Lab	Constituent	Value	Unit
1910240-048	100728	0000	2104	GOODONE1		
				AGGRSSIVE	82383	13.2
				ALKALINITY	00410	184
				ALUMINUM	01105	50.0
				ANTIMONY	01097	< 6.0
				ARSENIC	01002	< 2.0
				BARIUM	01007	< 100.0
				BERYLLIUM	01012	< 1.0
				BICARBONAT	00440	224
				CADMIUM	01027	< 1.0
				CALCIUM	00916	104
				CARBONATE	00445	< 1
				CHLORIDE	00940	27.0
				CHROMIUM (	01034	< 10.0
				COLOR	00081	< 5
				COPPER	01042	< 50.0
				FLUORIDE (	00951	< 0.2
				HARDNESS (	00900	381
				HYDROXIDE	71830	< 1
				IRON	01045	< 100.0
				LANGELIER	71813	1.49
				MAGNESIUM	00927	29
				MANGANESE	01055	< 20.0
				NICKEL	01067	< 10.0
				NITRATE (A	71850	9.0
				NITRATE +	A-029	2032
				NITRITE (A	00620	< 400
				ODOR THRES	00086	1
				PH, LABORA	00403	7.52
				POTASSIUM	00937	3.0
				SELENIUM	01147	< 5.0
				SILVER	01077	< 10.0
				SODIUM	00929	62
				SPECIFIC C	00095	970
				SULFATE	00945	267
				THALLIUM	01059	< 1.0
				TOTAL DISS	70300	606
				TURBIDITY,	82079	0.11
				ZINC	01092	< 50.0
1910240-071	100915	0000	2104	CALCIUM	00916	81.9

DATE: 10/13/10 SYSTEM NUMBER: 1910240 PAGE: 5
 Data that is ACCEPTABLE and LOADABLE into DHS Drinking Water database

PRIM STA CODE	SAMPLE DATE	SAMPLE TIME	LAB NUM	CONSTITUANT	STORE NUM	XMOD	FINDING
1910240-071	100915	0000	2104	CHLORIDE	00940		37.0
				COLOR	00081	<	5
				HARDNESS (	00900		354
				MAGNESIUM	00927		36.4
				ODOR THRES	00086		1
				PH, LABORA	00403		7.47
				SODIUM	00929		52.3
				TOTAL DISS	70300		585

 End of ACCEPTABLE and LOADABLE data for System Number: 1910240

From: Brian Folsom [bfolsom@clwa.org]
Sent: Monday, June 06, 2011 2:53 PM
To: Dan Masnada (CLWA)
Subject: RE: press release - DRAFT - CONFIDENTIAL

Information regarding impacted wells is accurate.

FYI –

Three wells successfully treated and returned to service: Q2, S1, S2

Two wells replaced: Stadium well and V-157

One planned for replacement: NC-11

One well to have treatment installed: V-201

Brian J. Folsom, P.E.
Engineering and Operations Manager
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350
Phone: 661.297.1600 (main)
661.513.1270 (direct)
E-mail: bfolsom@clwa.org

From: Dan Masnada (CLWA)
Sent: Monday, June 06, 2011 2:39 PM
To: Brian Folsom
Subject: FW: press release - DRAFT - CONFIDENTIAL

See my note on the second page and pls confirm the info presented re: impacted wells. Call me if you want an explanation of our logic before checking out the facts. Thx, Dan

From: Keith Abercrombie [<mailto:kabercrombie@valenciawater.com>]
Sent: Monday, June 06, 2011 2:13 PM
To: Joe Scalmanini
Cc: Dan Masnada (CLWA)
Subject: press release - DRAFT - CONFIDENTIAL

Joe,

Attached is the latest version of the DRAFT press release. Below is the comment from Dan from an earlier version that speaks to the desire to add language relating to the 'pump and treat' remedy. Please provide us a sentence or two. Thanks.

We should include a clear statement here that detection of perchlorate in VWC-201 does not mean the pump and treat remedy is not performing as planned. There has always been a possibility of perchlorate impacting one or more wells immediately downstream of the originally impacted wells and the modeling work in support of the remedy did not discount the possibility. I may not have stated it quite right here and it would be best to have Joe craft the appropriate language for the press release, which should probably reiterate that the pump and treat remedy is a long-term solution that can be evaluated based on five months of operations (probably going into to much detail at this point...)

Keith Abercrombie
General Manager

Valencia Water Company

(661) 295-6504

kabercrombie@valenciawater.com

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PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you!

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Keith Abercrombie
General Manager
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From: April Jacobs (CLWA) [ajacobs@clwa.org]
Sent: Thursday, June 09, 2011 11:00 AM
To: Valerie Pryor; Brian Folsom; Dirk Marks; Mauricio Guardado; B. J. Atkins; Bill Pecs; Dean Efstathiou; Ed Colley; Jacque McMillan; Jerry Gladbach; Keith Abercrombie ; Peter Kavounas; R. J. Kelly; Tom Campbell; William Cooper
Cc: Russ Behrens; Dan Masnada (CLWA)
Subject: VWC Press Release
Attachments: Valencia Well Press Release.pdf
Importance: High

Attached is the joint press release sent out today in regards to perchlorate being detected in Well 201.

Thank you.

*April Jacobs
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91354
(661) 513-1238 (Direct Line)
(661) 297-1600 ext. 238
(661) 297-1610 (Fax)
ajacobs@clwa.org*

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FOR IMMEDIATE RELEASE

June 9, 2011

PERCHLORATE DETECTED DURING ROUTINE TESTING

*Well Removed from Service Pending Treatment Covered By
Whittaker Bermite Settlement Agreement*

Valencia Water Company has notified the Whittaker Bermite property owners that it will seek remediation funds to clean up a closed well near Santa Clarita City Hall following routine water quality testing that detected low levels of perchlorate. The remediation funds are being sought under a 2007 settlement agreement among Castaic Lake Water Agency (CLWA), Newhall County Water District, Santa Clarita Water Division and Valencia Water Company and Whittaker Corporation and others to address clean-up of impacted wells from the former munitions site.

In August 2010, Valencia Water Company detected perchlorate in Well 201 near City Hall. Although the perchlorate levels were within safe drinking water standards, the company immediately took the well out of service and notified the State Department of Public Health. Valencia Water Company continued to monitor the inactive well on a monthly basis. The most recent sample confirmed that perchlorate is still present and that wellhead treatment is needed as outlined by the settlement agreement with Whittaker Bermite.

"Our diligence in conducting extensive testing enabled us to quickly shut down the well and continue to provide safe water to our customers," said Keith Abercrombie, General Manager for Valencia Water Company. "The removal of this well from service will not have any near-term or long-term impacts on the quality or cost of water to our customers. To the extent it is even necessary, we will shift production to other wells elsewhere in the groundwater basin."

CLWA General Manager Dan Masnada said, "The closing of this well will not impact the Santa Clarita Valley Family of Water Suppliers' ability to adequately provide water to our customers and will not have a negative impact on the Valley's water supply. CLWA and the water retailers continue to ensure that all drinking water quality standards are met and long-term solutions are put in place to address the presence of perchlorate in small portions of the Valley's groundwater aquifers.

"In addition, a pending update of the 2010 Santa Clarita Valley Urban Water Management Plan will examine the presence of perchlorate in Well 201," Masnada said.

Valencia Water Company works cooperatively with and as a member of the Santa Clarita Valley Family of Water Suppliers to provide customers a mix of groundwater pumped from area wells and imported state water. In April 2007, the local water suppliers and the Whittaker Bermite

-more-

CLWA 59

property owners negotiated a settlement, which establishes funding to address the clean-up of perchlorate from the former munitions site.

Last year, a \$13 million treatment facility near Bouquet Canyon Road and the Santa Clara River came on line to treat perchlorate in groundwater emanating from the Whittaker Bermite property. That treatment facility is part of a larger program that includes the restoration of two perchlorate-impacted wells to extract contaminated groundwater and control the migration of perchlorate in the Saugus Formation aquifer. The cost of that "pump and treat" system is also covered under the settlement agreement that protects the public from paying for the remediation costs.

As part of the settlement, several wells were identified as potentially threatened by perchlorate, including Well 201. Thus, while the now-operational pump and treatment program is intended to control migration of perchlorate, the possibility of further contamination in the direction of groundwater flow was recognized before its installation, and provisions were incorporated in the program to treat any additional wells impacted by perchlorate. Initial operation of the pump and treatment remediation is functioning as planned, and is still applicable for both of its objectives – to control contaminant migration near the source and to extract perchlorate from the aquifer system. In short, the detection of perchlorate at Well 201 does not reflect any change in the anticipated long-term effectiveness of the containment and treatment remedy.

Prior impacted wells included Q2, a Valencia Water Company well that underwent successful wellhead treatment in 2005 utilizing the same treatment technology contemplated for Well 201, and today has no perchlorate detection. Since 1997, seven wells in the Santa Clarita Valley, including this most recent one, have been impacted by perchlorate. Three of those wells have been successfully treated and returned to service, two have been replaced, one is planned to be replaced and this most recent well will have treatment installed.

Perchlorate is a regulated drinking water contaminant in California with a maximum contaminant level (mcl) of 6 parts per billion (ppb). The Valencia Water Company test in August 2010 was 5 ppb. During the last several months, readings have varied from 5 to 12 ppb in the most recent test.

Perchlorate is both a naturally occurring and man-made ion used to form a variety of salts. Perchlorate is primarily used today as an oxidizer in solid rocket fuel and other propellants and to a lesser extent, in fireworks, explosives and air-bag inflators. It is highly soluble in water and has been detected in ground and surface water in 26 states. It has also been detected in water supplies in close proximity to sites where solid rocket fuel was manufactured or used, such as the Whittaker Bermite site.

Valencia Water Company is a water provider to 113,000 residential, commercial, industrial and business customers in Valencia, Stevenson Ranch and portions of Saugus and Castaic.

Contact: Keith Abercrombie, General Manager, Valencia Water, (661) 295-6501
Dan Masnada, General Manager, CLWA, (661) 297-1600 Ext. 239

From: April Jacobs (CLWA) [ajacobs@clwa.org]
Sent: Friday, June 10, 2011 1:44 PM
To: R. J. Diprimio; Abbi Hertz; Adam Pontious; April Jacobs (CLWA); Aristeia Lambropoulos; Bill Manetta ; Brian Folsom; Carlos Corrales; Casey Gordon; Cathy Hollomon; Chris Alexander; Dan Masnada (CLWA); Dirk Marks; Elizabeth Ooms-Graziano; Elizabeth Sobczak; Gary Choppe; Gary Haggin; Gerrie Goodreau ; Harry Henderson; Howard An; Hunt Braly; Jason Yim; Jeff Ford; Jim Leserman; Jo Ann Burkman; Joanne Chan; Jon Salmon; Karen Denkinger; Kathy Fendel; Larry Patellis; Linda Pointer; Linda Stephens; Lindsey Kontra; Luis Margheritis; Lynn Takaichi ; Majid Langroodi; Mary Lou Cotton ; Mauricio Guardado; Mona Restivo (SCWC); Nancy Warfel; Nikki Duplessis; Omar Khalifa; Patricia Jackson; Paul Halushka; Pete Woeger; Porter Hamilton; Rafael Pulido; Ralph Simoni; Rich K.; Russ Behrens; Sally Zailo; Scott Wilk; Stephanie Anagnoson; Susana Rave; Tami Royer; Tim Whyte; Todd Gruber; Valerie Pryor; Wayne Rowley; Yao Kouame; Yvonne Johnson; B. J. Atkins; Bill Pecs; Dean Efstathiou; Ed Colley; Jacque McMillan; Jerry Gladbach; Keith Abercrombie ; Peter Kavounas; R. J. Kelly; Tom Campbell; William Cooper
Subject: FW: [Water_news] DWR California Water News June 10, 2011 - Perchlorate Detected in Closed Well During Routine Testing - KHTS

Perchlorate Detected In Closed Well During Routine Testing

KHTS Radio

Valencia Water Company today notified the Whittaker Bermite property owners that it will seek remediation funds to clean up a closed well near Santa Clarita City Hall following routine water quality testing that detected low levels of perchlorate. The remediation funds are being sought under a 2007 settlement agreement among Castaic Lake Water Agency (CLWA), Newhall County Water District, Santa Clarita Water Division and Valencia Water Company and Whittaker Corporation and others to address clean-up of impacted wells from the former munitions site.

From: Dan Masnada (CLWA) [dmasnada@clwa.org]
Sent: Tuesday, June 14, 2011 8:20 PM
To: kabercrombie@valenciawater.com; Brian Folsom; Jim Leserman
Subject: How often are unimpacted wells tested for perchlorate?

Sent from my BlackBerry Wireless Handheld



September 15, 2011

Project No. 9967.000.0

Mr. Jose Diaz
Department of Toxic Substances Control
Site Mitigation Branch
9211 Oakdale Avenue
Chatsworth, California 91311

**Re: Former Bermite Facility, Santa Clarita, California
Summary Report for August 2011**

Dear Mr. Diaz:

This letter constitutes a progress report for the month of August 2011, prepared pursuant to Task 4 and Section 6.3 of the "Imminent and Substantial Endangerment Determination and Order and Remedial Action Order" (the Order) that the Department of Toxic Substances Control (DTSC) issued on November 22, 2002, for the former Bermite facility (site) in Santa Clarita, California.

SECTION I – SOIL ISSUES

Specific actions taken on behalf of the respondent, actions expected to be undertaken, and planned activities for soil issues are summarized in the following sections.

OU1 REMEDIATION

Activities for This Report Period

As a follow up to the meeting held with the DTSC on September 23, 2010 regarding the status and the completion of SVE operations in OU1 and attainment of the remedial goals in Area 43 and Building 329, the DTSC indicated that they agreed that further active SVE operations were no longer needed for the OU1 areas, pending the results of confirmation soil gas sampling in Areas 7, 43, 55, and Building 329.

CDM prepared a scope of work for the confirmation soil gas sampling, which was submitted to the DTSC for review on January 5, 2011. The DTSC responded with a request for additional sampling locations and depths in an email dated January 19, 2011. CDM modified the proposed scope of work to address the DTSC's comments and sent the revised plans back to the DTSC for review on February 2, 2011. The DTSC approved the revised plans in an email dated February 10, 2011.

CDM completed the drilling, installation, and sampling of the confirmation vapor monitoring probes (VMPs) in Areas 7, 43, 55, and Building 329 during previous reporting periods. During this reporting period, CDM worked on data analysis and evaluation.

Mr. Jose Diaz
Department of Toxic Substances Control
Site Mitigation Branch
September 15, 2011
Page 2

Anticipated Activities for This Month

CDM will continue data analysis and evaluation.

Long-Term Actions

Document post-SVE soil gas conditions and decommission the SVE systems.

SITE-WIDE SOILS REMEDIAL DESIGN (RD) FOR OU2 THROUGH 6 (SITE-WIDE SOILS RD)

Activities for This Report Period

Additional field investigations were initiated at the site on November 22, 2010 in support of the Site-Wide Soils Remedial Design (RD) to fill in data gaps for the proposed perchlorate excavation areas. During the previous reporting period, CDM completed the first draft of the RD document, which was submitted to Whittaker/AMEC for review and comment. During this reporting period, CDM received comments from Whittaker/AMEC and began revisions to the document based on the comments received.

Anticipated Activities for This Month

Address and incorporate review comments from Whittaker/AMEC and finalize the draft RD document for submittal to the DTSC for review.

Long-Term Actions

Address and incorporate review comments from the DTSC and finalize the draft RD document.

PILOT STUDIES (SVE)

Activities for This Report Period

CDM had previously prepared a pilot study work plan for soil vapor extraction (SVE) of the OU2 through OU6 soils that contain volatile organic compounds (VOCs). The DTSC approved the revised SVE work plan in a letter dated October 22, 2008.

The field pilot studies for Areas 2, 4, 27, 31/45, 53/54/72, Area 14-South, Area 14-Central, and Hula Bowl Canyon I were completed during prior reporting periods. CDM finalized the draft pilot study report, which was submitted to the DTSC for review on March 14, 2011.

CDM incorporated the results of the SVE pilot studies to the draft RD document, which was submitted to Whittaker/AMEC for review. CDM had previously initiated the evaluation of electrical power needs for site-wide implementation of the SVE systems and began the dialogue with Southern California Edison. AMEC prepared the bid documents for scale up of the SVE systems and initiated the procurement process.

Anticipated Activities for This Month

CDM will continue with the electrical power needs evaluation and continue preparing for the site-wide SVE implementation. It is anticipated that the drilling and oversight portions for the SVE procurement will be awarded and initiated.

Mr. Jose Diaz
Department of Toxic Substances Control
Site Mitigation Branch
September 15, 2011
Page 3

Long-Term Actions

Initiate full-scale SVE operations in accordance with the RAP and RD.

PILOT STUDIES (GEDIT)

Activities for This Report Period

CDM had previously prepared a pilot study work plan for in-situ bioremediation of perchlorate impact to deep soils via Gaseous Electron Donor Injection Technology (GEDIT). The DTSC provided conditional approval of the GEDIT pilot work plan on November 14, 2008.

The laboratory bench-scale treatability study for the GEDIT pilot study was completed during a previous reporting period. The draft pilot study report was submitted to the DTSC on June 28, 2011.

Anticipated Activities for This Month

No anticipated activities for this month, pending receipt of review comments from the DTSC.

Long-Term Actions

Address the DTSC review comments as necessary.

PILOT STUDIES (SVE/DPE)

Activities for This Report Period

CDM conducted Phase II (DPE for saturated zone soils) and Phase III (combined SVE and DPE operations) pilot studies in Area 48/49 of OU5. In addition, post-test sampling of the SVE/DPE area was conducted. CDM completed the draft pilot study report and submitted it to Whittaker/AMEC for review during the previous reporting period. CDM responded to review comments received by Whittaker/AMEC and submitted a second draft to Whittaker/AMEC.

Anticipated Activities for This Month

Address final review comments from Whittaker/AMEC team, and complete the draft pilot study report and submit to the DTSC for review.

Long-Term Actions

Submit pilot study report to the DTSC and respond to any comments. Incorporate the results of the pilot study into the draft RD document.

SECTION II – SOILS INTERIM REMEDIAL MEASURES AND REMOVAL ACTIONS

DEPLETED URANIUM (DU) INVESTIGATION AND CLEARANCE ACTIVITIES

Activities for This Report Period

Soils impacted with DU in Areas 57 and 14 were removed and a Final Status Survey (FSS) was conducted during previous reporting periods. The report of FSS was prepared and submitted to

Mr. Jose Diaz
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Page 4

the regulatory agencies (DTSC, California Department of Public Health (DPH) –Radiological Health Branch, and Los Angeles County Radiological Section) in February 2011.

Anticipated Activities for This Month

Whittaker/AMEC is waiting for comments from the regulatory agencies.

Long Term Actions

EnergySolutions will incorporate any comments received from the regulators and provide a final report.

MEC INVESTIGATION AND CLEARANCE ACTIVITIES

Activities for This Report Period

EODT continued planning for initiation of field operations under Work Authorizations 9 and 10.

Anticipated Activities for This Month

EODT will attend a site visit to conduct a field scoping meeting with the DTSC and the Whittaker project team on September 15, 2011.

Long Term Actions

Clear potential MEC from areas (i.e., Hula Bowl II/III) identified as removal sites in the HSA report. Complete the MEC investigation and confirmation in the areas designated as Further Investigation and No Further Action Areas.

SECTION III – GROUNDWATER AND SURFACE WATER ISSUES

Specific actions taken on behalf of the respondent, actions expected to be undertaken and planned activities for groundwater and surface water issues are summarized in the following sections.

GROUNDWATER (OU7) FEASIBILITY STUDY

Activities for This Report Period

The OU7 Feasibility Study (FS) report was submitted to the DTSC and distributed to other stakeholders on January 19, 2011. Whittaker received the letter of approval of the OU7 FS from the DTSC on May 18, 2011. The DTSC also requested that the draft Remedial Action Plan for Groundwater (OU7 RAP) be prepared and submitted by September 19, 2011.

Anticipated Activities for This Month

Evaluate potential pilot studies for the OU6 perched zone. Evaluate potential pilot study for permeable reactive zone in Northern Alluvium area. Work on the draft OU7 RAP.

Mr. Jose Diaz
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Site Mitigation Branch
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Page 5

Long-Term Actions

Use the results of the pilot studies and the OU7 FS as the basis to develop the OU7 RAP and submit it to DTSC and subsequently to public review and comments.

INTERIM REMEDIAL MEASURES AND PILOT PROGRAMS FOR GROUNDWATER

SAUGUS AQUIFER EXTRACTION PILOT PROGRAM

Activities for This Report Period

The Work Plan, Saugus Aquifer Pilot Remediation Well Network, Operable Unit 7 was submitted to DTSC on September 22, 2008. DTSC provided comments on November 18, 2008 and subsequently provided conditional approval of the Work Plan on December 31, 2008. Implementation of the Work Plan continued during this period. The work accomplished during this period is summarized below:

- Continued numerical modeling of the aquifer system at the site for designing an extraction system;
- Continued conceptual design of the groundwater extraction (Saugus Aquifer) and treatment system and feasibility study of applicable groundwater treatment systems;
- Continued data collection, management, and analysis;
- Continued preparation of well installation and pump test reports; and,
- Continued preparation of the OU7 draft.

Anticipated Activities for This Month

- Continuation of numerical modeling of the aquifer systems at the site for designing the Saugus Aquifer extraction system;
- Continuation of preparation of well installation and pump test reports, and RAP;
- Working with the Water Board to obtain a revised NPDES permit; and,
- Data collection, management, and analysis.

Long-Term Actions

Implement the Saugus Aquifer Extraction Pilot Program. Incorporate the results of the groundwater pilot program into OU7 RAP and remedial design document.

NORTHERN ALLUVIUM GROUNDWATER PUMPING AND TREATMENT SYSTEM OPERATION

Activities for This Report Period (1)

An Interim Remediation Pumping Program was started in Northern Alluvium Areas 11, 67, and 75 in 2006. An alternate extraction well 75-MW-35 (for higher groundwater extraction) and six hot spot wells were connected to the Northern Alluvium Treatment Plant (NATP) in 2007. Sustained pumping of extraction well 75-MW-35 (starting at approximately 30 gallons per minute (gpm)) that began in mid-October 2007 continues to date, with the exception of a brief

Mr. Jose Diaz
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Page 6

period of shut down for treatment system maintenance. Due to significant decline of groundwater level and decline in groundwater extraction rates, a lower flow pump (7 gpm) and associated piping was installed in the well 75-MW-35 in May 2011.

As of August 2011, approximately 35,041,870 gallons of impacted water was treated and discharged in compliance with the National Pollutant Discharge Elimination System (NPDES) permit. All the treated volume during August 2011 was from the extraction wells of the Northern Alluvium pumping system. No water was treated from investigation/monitoring activities during August 2011.

The monthly compliance sample for the NATP was collected on August 1, 2011. The sampling results indicated that the system was in compliance with the discharge requirements of the NPDES permit during August 2011.

No media were replaced during August 2011.

Anticipated Activities for This Month

- Monitoring of the aquifer response to pumping from the extraction well 75-MW-35 and the downgradient site boundary low flow extraction wells will continue.
- Review the results of the NATP audit and implement appropriate recommendations.
- Continue the pumping, treatment, and discharge system operation and routine weekly and monthly NPDES compliance sampling and media change outs as needed.

Long-Term Actions

Continue operating the extraction and treatment system and conduct additional performance monitoring. Evaluate NATP and well 75-MW-35 performance and provide recommendations to be incorporated to the OU7 RAP.

Activities for This Report Period (2)

Potential application of remedial technologies for Northern Alluvium groundwater hot spots, including evaluation of the Area 75 boundary containment established by sustained operation of the low flow pumping wells have been addressed in the OU7 FS. As stated in Section I – Pilot Studies (SVE/DPE) above, CDM completed the draft pilot study report and submitted it to Whittaker/AMEC for review. CDM addressed review comments received by Whittaker/AMEC and submitted a second draft. Also as stated above, evaluation of a permanent reactive zone pilot study in the Northern Alluvium area is in progress.

Anticipated Activities for This Month

Complete preparation of the SVE/DPE pilot study report for submittal to the DTSC. Initiate activities in support of a permanent reactive zone pilot study in the Northern Alluvium area.

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Page 7

Long-Term Actions

Complete pilot studies and prepare reports for submittal to the DTSC. Incorporate the pilot studies results to the OU7 RAP.

GROUNDWATER MONITORING

Activities for This Report Period

AECOM continued preparation of Second Quarter 2011 groundwater monitoring and sampling report. Blaine Tech Services conducted the third quarter gauging and sampling event at the site.

Anticipated Activities for This Month

AECOM will work on completion and submittal of the Second Quarter 2011 groundwater monitoring and sampling report. The third quarter groundwater sampling event will be conducted.

Long-Term Actions

Continue monitoring and reporting of the proposed network of monitoring wells on the updated schedule presented in Technical Memorandum No. 8.

STORM WATER MONITORING

Activities for This Report Period

Pursuant to the site Storm Water Pollution Prevention Plan, Environ continued coordinating the implementation of short-term surface water run-off mitigation measures. Implementation of the short-term mitigation measures is being coordinated with CDM, particularly in the areas of the site where soil remediation activities have occurred. A plan for construction of storm water containment berms was prepared and a contractor for implementation of the plan was selected.

Anticipated Activities for This Month

Upgrades to the short-term mitigation measures will continue as necessary. Contract negotiations with the selected contractor will be finalized and work for implementation on the planned upgrades to the short-term mitigation measures will be initiated. Surface water run-off sampling will be conducted following significant rainfall events in accordance with the site-wide surface water runoff sampling plan.

Long-Term Actions

Long-term mitigation of the drainages and excavations will be conducted in conjunction with the soil remediation.

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Site Mitigation Branch
September 15, 2011
Page 8

RCRA MONITORING AND CLOSURE

Activities for This Report Period (1)

AMEC submitted documentation supporting clean closure certification of the former Building 317 Resource Conservation and Recovery Act (RCRA)-permitted lined surface impoundment on November 11, 2009 for DTSC review. The DTSC has reviewed the documents and discussed the matter with the Whittaker's team in two teleconferences. Whittaker's team also met with DTSC on August 11, 2010 and provided additional support and recommendations for a path forward for clean closure of the RCRA unit.

The DTSC issued a response letter dated February 7, 2011 and pointed to the residual levels of trichloroethylene (TCE) in the soil beneath the former surface impoundment that have been addressed in the approved OU2-6 RAP. The DTSC letter stated that if the soil vapor extraction (SVE) operations per the OU2-6 RAP are successful, DTSC will consider the request for clean closure of the former RCRA unit; otherwise, DTSC will consider closure and post-closure requirements and permit for the former RCRA unit.

Anticipated Activities for This Month

We are planning to implement the SVE operation in the former RCRA unit to eliminate the residual TCE concentrations in subsurface soil.

Long-Term Actions

Proceed with closure of the RCRA unit.

Activities for This Report Period (2)

Knight Piesold completed the Second Quarter 2011 RCRA groundwater monitoring report.

Anticipated Activities for This Month

The Second Quarter 2011 RCRA groundwater monitoring report will be submitted to the DTSC in September, 2011.

Long-Term Actions

The current RCRA groundwater monitoring program will be modified to include proposed wells and frequency and the DTSC input to the monitoring plan.

SECTION IV – REQUIREMENTS UNDER THE ORDER THAT WERE NOT COMPLETED

All requirements of the Order were completed. Whittaker has met or exceeded all the substantive requirements of the Order.

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SECTION V – PROBLEMS OR ANTICIPATED PROBLEMS IN COMPLYING WITH THE ORDER

Following the DTSC's agreement with Whittaker's proposed modifications to implementation plans in compliance with the Order reflected in the letter dated September 28, 2004, the DTSC's letter dated July 11, 2005, included a schedule for submitting a number of documents. All deadlines have been met and documents have been submitted per requested schedule.

SECTION VI – RESULTS OF SAMPLE ANALYSIS, TESTS, AND OTHER DATA

Whittaker has instructed its contractors to continue to provide the DTSC staff with raw data sets for ongoing quarterly groundwater monitoring events and RI/FS work upon receipt from the lab.

Sincerely yours,
AMEC Geomatrix, Inc.



Hassan Amini, Ph.D., CHG
Project Coordinator

cc: Eric Lardiere, Esq., Whittaker Corp; Rene Siemens, Pillsbury; William Weaver, CDM; Jessica Donovan, ENVIRON; Cory Conrad, Knight Piésold; Jay Ferguson, EODT; Robert Woodard, Energy Solutions; Essi Esmaili, AECOM; Tim Bricker, Santa Clarita L.L.C.; Megan Trend, Chubb Financial Solutions; Cindy Hunter, MariKay Fish, Julie Diebenow, Chartis; Vitthal Hosangadi, NOREAS; Nadine Hunt-Robinson, Zurich North America; Jeff Hogan, City of Santa Clarita; Yueh Chuang, CH2M Hill; Kathy Stryker Anderson, US Army Corps of Engineers; Keith Abercrombie, Valencia Water Company; Lynn Takaichi, and Meredith Durant, Kennedy Jenks; Samuel Unger, RWQCB; James Leserman, Castaic Lake Water Agency; Steve Cole, Newhall County Water District; Mauricio Guardado, Santa Clarita Water; Neil Elsey, Avion Holdings LLC; Alisa Lacey, Stinson Morrison Hecker LLP; Shu-Fang Orr, Department of Public Health.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

Referenced Topical Responses from the Landmark Village Revised Final EIR

September 2011

Updated Topical Response 1: Perchlorate Treatment Update

Comments have been received on the Landmark Village Recirculated Draft EIR (January 2010) (RDEIR), stating that facilities needed to clean up ammonium perchlorate (perchlorate) found in groundwater in the Santa Clarita Valley are not in place, resulting in reduced and/or inadequate water supply for the additional housing units approved in the Santa Clarita Valley. The County also is aware of comments that refer to the recent detection in August 2010 of perchlorate in Valencia Water Company (VWC) Well 201 as confirmation that the "pump and treat" capture wells are not containing the perchlorate contamination.

This response addresses the perchlorate-related comments received on the Landmark Village RDEIR, and provides an update on the progress made to date in implementing the remediation and treatment of perchlorate in the Santa Clarita Valley's groundwater supplies. As explained below, while a total of seven municipal drinking water wells have been taken out of service for varying periods of time since perchlorate was first detected in the groundwater in 1997 (including the recent closure of Well 201), five of these wells either have been returned to service with incorporation of perchlorate treatment facilities or replaced by new wells drawing from the non-impacted portion of the groundwater basin. The five wells collectively restore much of the temporarily lost well capacity, and an additional two wells will be drilled to fully restore the operational flexibility that existed prior to the detection of perchlorate. With respect to Well 201, VWC plans to actively seek remediation and restore the impacted well capacity in the near term.

Thus, substantial progress has been made in responding to the detection of perchlorate, and substantial facilities needed for remediation/treatment are in place and actively monitored by the Castaic Lake Water Agency (CLWA), the local retail purveyors, and several regulatory agencies. The available evidence supports the conclusion reached in the Landmark Village RDEIR that there is an adequate water supply available to serve the projected future needs of the proposed Landmark Village project and other existing and planned development in the Santa Clarita Valley.

The response presented below is based on the information presented in Section 4.10, Water Services, of the Landmark Village RDEIR, which is summarized below. This response also is based on updated information received from CLWA and other retail water purveyors in the Santa Clarita Valley since the Landmark Village RDEIR was made available for public review in February 2010. The updated information includes the *2010 Urban Water Management Plan* (2010 UWMP; June 2011) recently adopted by CLWA and the retail water suppliers in the Santa Clarita Valley, and the recently released *2010 Santa Clarita Valley Water Report* (2010 Water Report; June 2011) prepared by the Santa Clarita Valley water purveyors.

Background

Perchlorate, a chemical used in making rocket and ammunitions propellants, has been a water quality concern in the Santa Clarita Valley since 1997 when it was originally detected in four Saugus Formation wells (V-157, Saugus 1, Saugus 2, and NC-11) operated by the retail water suppliers in the eastern part of the Saugus Formation, near the former Whittaker-Bermite munitions facility. In late 2002, the contaminant was detected in a fifth well, an Alluvial well (Stadium Well) located near the former Whittaker-Bermite site. Perchlorate was detected again in early 2005 in a second Alluvial well (Well Q2), also located near the former Whittaker-Bermite site.¹

At the time the Landmark Village RDEIR was circulated for public review in February 2010, three of the six wells remained as perchlorate-impacted - Saugus 1 and 2, and NC-11. The Alluvial Stadium well and Saugus well V-157 had been abandoned and replacement wells were installed in a non-impacted portion of the basin. As to Well Q2, an approved perchlorate treatment system was installed in 2005 and the well subsequently was returned to service. (2010 UWMP, pages 5-2 and 5-3.)

Landmark Village Recirculated Draft EIR Summary

The Landmark Village RDEIR presented substantial information regarding perchlorate contamination, remediation, and treatment in the Santa Clarita Valley. (Please refer to Landmark Village RDEIR, pages 4.10-5 through 4.10-7, 4.10-23 through 4.10-64, and 4.10-119 through 4.10-126.) The Landmark Village RDEIR also analyzed potential impacts to water resources, including the potential for the proposed Landmark Village project to cause the migration of perchlorate in groundwater beyond the currently affected wells in the Santa Clarita Valley. (Ibid., pages 4.10-46 through 4.10-49, and 4.10-54 through 4.10-60.) In addition, the Landmark Village RDEIR identified a number of technical documents found in the appendices to the Landmark Village RDEIR, as well as other documents incorporated by reference and made available for public review, that provide perchlorate-related contamination and treatment information and analysis. For example, the Landmark Village RDEIR used and relied upon the following documents:

- (a) *Analysis of Groundwater Supplies and Groundwater Basin Yield, Upper Santa Clara River Groundwater Basin, East Subbasin*, by Luhdorff & Scalmanini and GSI Water Solutions, Inc., August 2009;
- (b) Summary Report to Department of Toxic Substances Control (DTSC) from AMEC Geomatrix regarding Former Whittaker-Bermite Facility, Santa Clarita, California, November 17, 2008;
- (c) 2006, 2007, and 2008 Santa Clarita Valley Water Reports;

¹ In 2006, perchlorate was detected in very low concentrations (below the detection limit for reporting) in well NC-13 located near one of the originally impacted wells. Perchlorate levels at the well have not exceeded the maximum contaminant level (MCL) of 6 ug/l adopted by the Department of Public Health in 2007 and, therefore, the well has remained in service.

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

- (d) *Analysis of Groundwater Basin Yield, Upper Santa Clara River Groundwater Basin, East Subbasin, Los Angeles County, California*, prepared by CH2M HILL, in cooperation with Luhdorff & Scalmanini, in support of the August 2001 Memorandum of Understanding between the Upper Basin Water Purveyors and the United Water Conservation District August 2005;
- (e) 2005 Urban Water Management Plan, prepared by CLWA and other retail water purveyors; and
- (f) Interim Remedial Action Plan, prepared by Kennedy-Jenks Consultants for CLWA and approved by California DTSC, December 2005.

(Copies of the above documents are provided in the 2010 Landmark Village RDEIR, Appendix 4.10.)

The analysis presented in the Landmark Village RDEIR took into account numerous factors affecting water supplies in the Santa Clarita Valley, including perchlorate-impacted wells. It also accounted for the perchlorate-impacted wells in the groundwater basin² (*i.e.*, both the Alluvial aquifer and the Saugus Formation as described below), and analyzed the data derived from ongoing monitoring by water purveyors, wellhead treatment, and construction of new replacement wells in areas not impacted by perchlorate. After consideration of the factors discussed above, and based on information received from CLWA and other retail water purveyors in the Santa Clarita Valley, the Landmark Village RDEIR determined that an adequate supply of water exists in the Santa Clarita Valley to meet the needs of its residents now and in the future:

“Table 4.10-11, Summary of Current and Planned Water Supplies and Banking Programs, summarizes the existing and planned water supplies and banking programs for the CLWA service area. . . . Diversity of supply allows CLWA and the local retail purveyors the option of drawing on multiple sources of supply in response to changing conditions, such as varying weather patterns (average/normal years, single-dry years, multiple dry years), fluctuations in delivery amounts of SWP water, natural disasters, perchlorate-impacted wells, and other factors. *Based on CLWA’s conservative water supply and demand assumptions over the next 20 years (i.e., through 2030 as described in the 2005 UWMP), in combination with conservation of non-essential demand during certain dry years, the water supply plan described in the 2005 UWMP achieves CLWA’s and the local retail purveyors’ goal of delivering reliable and high-quality water supply for their customers, even during dry periods [footnote omitted].”* (Ibid., pp. 4.10-85-4.10-86; italics added.)

The Landmark Village RDEIR contained a detailed description of groundwater supplies in the Santa Clarita Valley, including graphics depicting both the mapped extent of the Santa Clara River Valley East Subbasin, which is comprised of the Alluvium/Alluvial aquifer and the Saugus Formation, and the locations of the Alluvium and Saugus Formation municipal-supply well locations. (Landmark Village

² The groundwater basin is identified in DWR Bulletin 118 (2003 Update) as the Santa Clara River Valley Groundwater Basin, East Subbasin. The basin is comprised of two aquifer systems, the Alluvium (also referred to as the Alluvial aquifer) and the Saugus Formation. The Alluvium generally underlies the Santa Clara River and its several tributaries, and the Saugus Formation underlies practically the entire Upper Santa Clara River area.

RDEIR, pp. 4.10-23 through 4.10-64.) It also described the groundwater operating plan "developed by CLWA and the local retail purveyors over the past 20 years to meet water requirements (municipal, agricultural, small domestic), while maintaining the groundwater basin in a sustainable condition (*i.e.*, no long-term depletion of groundwater or interrelated surface water)." (Ibid., p. 4.10-32.) The groundwater operating plan addressed groundwater contamination issues in the basin, consistent with CLWA's Groundwater Management Plan (GWMP). (Ibid., pp. 4.10-32 through 4.10-33; and see p. 4.10-3.) This operating plan quantifies annual pumping volumes (in ranges) from the Alluvium and Saugus Formation. (Ibid., p. 4.10-3.) Historical and projected groundwater pumping by retail water purveyor is also provided in the document. (Ibid., pp. 4.10-35 through 10.3-36 [Tables 4.10-3 and 4.10-4].)

In addition, the Landmark Village RDEIR identified the three factors affecting the availability of groundwater supplies under the groundwater operating plan, which are: "(1) sufficient source capacity (wells and pumps); (2) sustainability of the groundwater resource to meet pumping demand on a renewable basis; and (3) protection of groundwater sources (wells) from known contamination, or provisions for treatment in the event of contamination." (Ibid., p. 4.10-35.) The Landmark Village RDEIR analyzed each factor for both the alluvial aquifer and the Saugus Formation, as summarized below. (Ibid., pp. 4.10-37 through 4.10-64.)

Alluvial Aquifer

For the Alluvial aquifer, the Landmark Village RDEIR determined that there was more than adequate pumping capacity from active wells (not contaminated by perchlorate) to meet the purveyors' groundwater operating plan, and such capacity did not include the one Alluvial well (Stadium well) that has been inactivated due to perchlorate contamination:

"For municipal water supply, with existing wells and pumps, the three retail water purveyors with Alluvial wells (NCWD, SCWD, and VWC) have a combined pumping capacity from active wells (not contaminated by perchlorate) of 38,600 afy. Alluvial pumping capacity from all the active municipal supply wells is summarized in **Table 4.10-5**, Pumping Rates Simulated for Individual Alluvial Aquifer Wells under the 2008 Groundwater Operating Plan. The locations of the various municipal Alluvial wells throughout the Basin are illustrated on **Figure 4.10-4**, Municipal Alluvial Well Locations; Santa Clara River Valley, East Groundwater Subbasin. As indicated, the pumping capacity of the SCWD Stadium well (deactivated due to the perchlorate contamination), representing another 800 afy of pumping capacity, has been transferred to the Valley Center well." (Ibid., pp. 4.10-43 through 4.10-44.)

The Landmark Village RDEIR also analyzed the sustainability or renewability of alluvial groundwater, finding that:

“The Alluvial aquifer is considered a sustainable water supply source to meet the Alluvial portion of the operating plan for the Basin. This is based on the combination of actual experience with Alluvial aquifer pumping at capacities similar to those planned for the future and the resultant sustainability (recharge) of groundwater levels and storage, and further based on modeled projections of aquifer response to planned pumping rates that also show no depletion of groundwater.” (Ibid., p. 4.10-46.)

After addressing pumping capacity and long-term sustainability of the Alluvial aquifer, the Landmark Village RDEIR described protection of groundwater sources (wells) from known contamination, including perchlorate, and the plans in place to ensure aquifer protection:

“The remaining key consideration related to current and future use of the Alluvium is the impact of perchlorate contamination. Extensive investigation of the extent of perchlorate contamination, combined with the groundwater modeling previously described, has led to the current plan by CLWA and the retail purveyors, which call for restoration of impacting pumping (well) capacity and integrated control of contamination migration. In the short term, the response plan for Alluvial production wells, located down gradient of the former Whittaker-Bermite site, was to promptly install wellhead treatment to ensure adequate water supplies. This plan was effectively implemented in 2005 by Valencia Water Company through the permitting and installation of wellhead treatment at Valencia Water Company's Well Q2. After returning the well to service with wellhead treatment in October 2005, followed by nearly two years of operation with wellhead treatment, during which there was no detection of perchlorate, Valencia Water Company was authorized by the California Department of Public Health to discontinue treatment. Since that time, Well Q2 has been operating without treatment and there has been no detection of perchlorate since the wellhead treatment was discontinued. As a result, Well Q2 remains a part of the Valley's active municipal groundwater source capability.

The purveyors' response plan also addressed the impacted Alluvial production well owned by SCWD (Stadium Well), which was shut down due to the detection of perchlorate in 2002. In response, SCWD recently drilled a replacement well (Valley Center Well) to the east, north-northeast of the former Whittaker-Bermite site. The Valley Center Well also will be a part the Valley's active municipal groundwater source capability.

As discussed below, the long-term plan includes the CLWA groundwater containment, treatment, and restoration project to prevent further downstream migration of perchlorate, the treatment of water extracted as part of that containment process, and the recovery of lost local groundwater production from the Saugus Formation.” (Ibid., p. 4.10-46.)

Saugus Formation

For the Saugus Formation, the Landmark Village RDEIR determined that there was more than adequate pumping capacity from active wells (not contaminated by perchlorate) to meet the purveyors' groundwater operating plan in both normal and dry years:

"In terms of adequacy and availability, the combined active Saugus groundwater source capacity of municipal wells of up to 19,125 afy, is more than sufficient to meet the planned use of Saugus groundwater in normal years of 7,500 to 15,000 afy. This currently active capacity is more than sufficient to meet water demands, in combination with other sources, if both of the next two years are dry. At that time, the combination of currently active capacity and restored impacted capacity, through a combination of treatment at two of the impacted wells and replacement well construction, will provide sufficient total Saugus capacity to meet the planned use of Saugus groundwater during multiple dry-years of 35,000 af, if that third year is also a dry year." (Ibid., p. 4.10-48.)

The Landmark Village RDEIR also analyzed the sustainability or renewability of Saugus groundwater, finding the following:

"To examine the yield of the Saugus Formation or, its sustainability on a renewable basis, the groundwater flow model was used to examine long-term projected response to pumping from both the Alluvium and the Saugus over the 78-year period of hydrologic conditions using alternating wet and dry periods as have historically occurred. The pumping simulated in the model was in accordance with the operating plan for the Basin. For the Saugus, simulated pumpage included the planned restoration of recent historic pumping from the perchlorate-impacted wells. In addition to assessing the overall recharge of the Saugus, that pumping was analyzed to assess the effectiveness of controlling the migration of perchlorate by extracting and treating contaminated water close to the source of contamination.

Simulated Saugus Formation response to the ranges of pumping under assumed recurrent historical hydrologic conditions is consistent with actual experience under smaller pumping rates. The response consists of: (1) short-term declines in groundwater levels and storage near pumped wells during dry-period pumping; (2) rapid recovery of groundwater levels and storage after cessation of dry-period pumping; and (3) no long-term decreases or depletion of groundwater levels or storage. The combination of actual experience with Saugus pumping and recharge up to about 15,000 afy, now complemented by modeled projections of aquifer response that show long-term utility of the Saugus at 7,500 to 15,000 afy in normal years and rapid recovery from higher pumping rates during intermittent dry periods, shows that the Saugus Formation can be considered a sustainable water supply source to meet the Saugus portion of the operating plan for the Basin." (Ibid., pp. 4.10-48 through 4.10-49.)

After addressing pumping capacity and long-term sustainability of the Saugus Formation, the Landmark Village RDEIR described protection of groundwater sources (wells) from known contamination, including perchlorate, and the plans in place to ensure aquifer protection:

“The operating plan for the Saugus Formation accounts for historical perchlorate detections and the resulting containment and remedial response activities that are being constructed at this time. As described in further detail below, in 1997, a total of four Saugus production wells were inactivated for water supply service due to the presence of perchlorate. The four Saugus wells removed from service were as follows: (a) two Saugus production wells owned by SCWD (Saugus wells 1 and 2); (b) one Saugus production well owned by NCWD (NCWD Well 11); and (c) one Saugus production well owned by Valencia Water Company (VWC Well 157).

As part of the on-going implementation of perchlorate containment and restoration of impacted capacity, VWC Well 157 was abandoned in January 2005 and replaced by new Well VWC 206 in a non-impacted portion of the basin. Thus, the Saugus capacity analysis includes planned pumping from replacement Well VWC 206.

The longer range plan of CLWA and the purveyors has been to pursue a project to contain further downstream migration of perchlorate from the former Whittaker-Bermite site, treatment and subsequent use of the pumped water from the containment process for water supply, and installation of replacement wells in non-impacted portions of the basin to restore the remainder of groundwater supply impacted by perchlorate.” (Ibid., p. 4.10-49.)

CLWA/Purveyor Implementation Plan for Perchlorate-Impacted Alluvial and Saugus Wells

Importantly, the Landmark Village RDEIR assessed the perchlorate-impacted Alluvial and Saugus wells, based on the best available information provided by CLWA and other retail purveyors in the Santa Clarita Valley. This analysis focused on the status of the implementation plan developed by CLWA and the local retail purveyors to restore well capacity impacted by perchlorate. Contrary to comments received on the Landmark Village RDEIR, the CLWA/retail purveyor implementation plan includes a combination of treatment facilities and replacement wells, and is underway. The Landmark Village RDEIR provided extensive information concerning this implementation plan and its status. For example, the Landmark Village RDEIR disclosed that treatment facilities have been constructed and are either in operation or are close to becoming operational:

“Since the detection of perchlorate in the four Saugus wells in 1997, CLWA and the retail water purveyors have recognized that one element of an overall remediation program would most likely include pumping from impacted wells, or from other wells in the immediate area, to establish hydraulic conditions that would control the migration of contamination from further impacting the aquifer in a downgradient (westerly) direction. Thus, CLWA and the retail water purveyors report that the overall perchlorate

remediation program includes dedicated pumping from some or all of the impacted wells, with appropriate treatment, such that two objectives could be achieved. The first objective is control of subsurface flow and protection of downgradient wells, and the second is restoration of some or all of the contaminated water supply. Not all impacted capacity is required for control of groundwater flow. The remaining capacity would be replaced by construction of replacement wells at non-impacted locations.

In cooperation with state regulatory agencies and investigators working for Whittaker-Bermite, CLWA and the local retail water purveyors developed an off-site plan that focuses on the concepts of groundwater flow control and restored pumping capacity and is compatible with on-site and possibly other off-site remediation activities. Specifically relating to water supply, the plan includes the following:

- Constructing and operating a water treatment process that removes perchlorate from two impacted wells such that the produced water can be used for municipal supply.
- Hydraulically containing the perchlorate contamination that is moving from the Whittaker-Bermite site toward the impacted wells by pumping the wells at rates that will capture water from all directions around them.
- Protecting the downgradient non-impacted wells through the same hydraulic containment that results from pumping two of the impacted wells.
- Restoring the annual volumes of water pumped from the impacted wells before they were inactivated and also restoring the wells' total capacity to produce water in a manner consistent with the retail water purveyors' operating plan for groundwater supply described above.

The two key activities that comprise the majority of effort required for implementation of the plan are general facilities-related work (design and construction of well facilities, treatment equipment, pipelines, etc.) and permitting work. Both activities are planned and scheduled concurrently, resulting in planned completion (i.e., restoration of all impacted capacity) in 2010. Notable accomplishments toward implementation include completion of the Final Interim Remedial Action Plan (RAP) and associated environmental review with the adoption of a Mitigated Negative Declaration in September 2005, and various implementation activities from 2007-2009. Completion of the CLWA containment plan is expected in June 2010.

In light of the preceding, as to the adequacy of groundwater as the local component of water supply for the Santa Clarita Valley, the impacted capacity of three wells [Saugus 1, Saugus 2, and NCWD 11] will remain unavailable through 2009, during which time the non-impacted groundwater supply will be sufficient to meet near-term water requirements as described above. Thereafter, the total groundwater capacity will be sufficient to meet the full range of normal and dry-year conditions as provided in the

CLWA/retail water purveyor groundwater operating plan for the Basin.” (Ibid., pp. 4.10-121 through 4.10-122.)³

In addition, the Landmark Village RDEIR disclosed that substantial funding for perchlorate remediation/treatment is currently in place:

“In May 2007, the Water Purveyors announced a settlement of their lawsuit against Whittaker to contain and remove perchlorate from the Santa Clarita Valley’s groundwater aquifers. The Water Purveyors estimate this settlement provides up to \$100 million to address the problem. The underlying litigation was dismissed by the US District Court in August 2007. See Recirculated Draft EIR **Appendix 4.10** which contains the following documents: (1) Castaic Lake Water Agency Litigation Settlement Agreement, (2) Order Granting Joint Motion for Court Approval, Good Faith Settlement Determination and Entry of Consent Order dated July 16, 2007, and (3) Stipulation to Dismiss Plaintiffs’ Claims and Defendants’ Counterclaim, dated August 20, 2007.

The Settlement Agreement provides funding to construct replacement wells, pipelines, and a treatment plant to remove perchlorate. The Settlement Agreement also provides funds to operate and maintain the treatment system for up to thirty years, which is estimated to cost as much as \$50 million over the life of the project. The treatment plant has been designed by CLWA and the Settlement Agreement provides \$1.7 million to reimburse CLWA for past expenditures. In addition, a \$10 million “rapid response fund” will be established to allow the water purveyors to immediately treat threatened wells that could become impacted by perchlorate contamination in the future. VWC received a total of \$3.5 million under the Settlement Agreement which included \$2.5 million for past environmental claims and \$1.0 million to close and abandon V-157 and drill replacement well V-206.

Following the settlement of the litigation, VWC and the other water purveyors entered into two separate agreements, each formally prepared as a Memorandum of Understanding (MOU). These MOUs were necessary to implement the various obligations under the Settlement Agreement. The first MOU sets forth the rights among the water purveyors to receive payments pursuant to the Settlement Agreement and clarifies project administration which includes such things as project modification, future perchlorate detections, monitoring, payment of on-going legal fees, dispute resolution and other provisions described in the Settlement Agreement. The second MOU sets forth the operational plan and financial arrangements to deliver certain quantities of groundwater from the perchlorate treatment system and a future replacement well field that in total, would restore the water supply capacity impacted by perchlorate to SCWD and NCWD. Both MOUs are included in Recirculated Draft EIR **Appendix 4.10.**” (Ibid., pp. 4.10-52 through 4.10-53.)

³ As further discussed below, in January 2011, following release of the Landmark Village RDEIR, two of the three referenced wells (Saugus 1 and Saugus 2) were placed back in service following commencement of operation of CLWA’s Saugus Perchlorate Treatment Facility.

Further, the Landmark Village RDEIR analyzed the groundwater quality of both the Alluvial aquifer and the Saugus Formation, including perchlorate contamination and that analysis did not identify any significant impacts associated with the perchlorate-impacted wells in the Santa Clarita Valley. (Ibid., pp. 4.10-55 through 4.3-60.) It also identified the perchlorate treatment technology, which is effective in treating perchlorate in water in order to meet drinking water standards. (Ibid., pp. 4.10-61 through 4.10-64.) Based on the results of CLWA's investigation of perchlorate removal technologies, approval of ion exchange treatment technology in other settings by the California Department of Public Health (DPH), and the successful wellhead treatment installed at VWC's Well Q2, the Landmark Village RDEIR further disclosed that CLWA is currently utilizing the ion exchange technology for the restoration of impacted capacity (wells) in accordance with the permitting, testing, and installation process as described in the 2005 UWMP and other published reports issued by CLWA. (Ibid., p. 4.10-63 through 4.10-64.)

In the discussion of impacts of the proposed Landmark Village project, the Landmark Village RDEIR also identified significance criteria specific to the proposed project and its alternatives as it relates to the presence of perchlorate in groundwater supplies. The significance criteria used in the Landmark Village RDEIR stated that, given the presence of perchlorate created by other land uses in the Santa Clarita Valley (former Whittaker-Bermite site), impacts to water resources would be significant if implementation of the proposed Project would:

- “Result in the spreading of perchlorate in groundwater beyond the wells currently affected by perchlorate.” (Ibid., p. 4.10-116.)

The Landmark Village RDEIR then analyzed the project impacts on water supplies based on the above significance criteria. (Ibid., p. 4.10-116 through 4.10-126.) The Landmark Village RDEIR determined, based on modeling analysis, that:

“The groundwater model . . . was adaptable to analyze both the sustainability of groundwater under an operational scenario that includes full restoration of perchlorate-contaminated supply and the containment of perchlorate near the Whittaker-Bermite property (i.e., by pumping some of the contaminated wells). In 2004, DTSC reviewed and approved the development and calibration of the regional model. After DTSC approval, the model was used to simulate the capture and control of perchlorate by restoring impacted wells, with treatment. The results of that work are summarized in a report entitled, *Analysis of Perchlorate Containment in Groundwater Near the Whittaker-Bermite Property, Santa Clarita, California* (CH2MHill, December 2004) (see Recirculated Draft EIR **Appendix 4.10**), and is summarized in the 2009 Basin Yield Update (Recirculated Draft EIR **Appendix 4.10**). The modeling analysis indicates that the pumping of impacted wells SCWD-Saugus 1 and SCWD-Saugus 2 on a nearly continual basis will effectively contain perchlorate migrating westward in the Saugus Formation from the Whittaker-Bermite property. The modeling analysis also indicates that: (1) no new production wells are needed in the Saugus Formation to meet the perchlorate

containment objective; (2) impacted well NCWD-11 is not a required component of the containment program; and (3) pumping at SCWD-Saugus 1 and SCWD-Saugus 2 is necessary to prevent migration of perchlorate to other portions of the Saugus Formation. This report, and the accompanying modeling analysis, was approved by DTSC in November 2004. With that approval, the model is now being used to support the source water assessment and the balance of the permitting process required by DPH.

Based on the progress made to date, the provision of groundwater to the Landmark Village project site from urban uses would not result in the spread of perchlorate in the Basin beyond the currently impacted wells because: (a) there will not be a net increase in groundwater usage due to the conversion of agricultural water to potable supply uses for the Landmark Village project site (see Specific Plan Mitigation Measure 4.11-15); (b) the agricultural groundwater used to meet the needs of the Landmark Village project site must meet the drinking water quality standards required by law prior to use (see Specific Plan Mitigation Measure 4.11-16); and (c) the wells expected to serve the Landmark Village project site are located within the Specific Plan site, or very near the site at the Valencia Commerce Center; the wells are not impacted by perchlorate based on laboratory test results; and they are located over 4 miles west of the former Whittaker-Bermite site. (Ibid., pp. 4.10-123 through 4.10-124.)

August 2010 Perchlorate Detection - VWC Well 201

As noted above, since the February 2010 release of the Landmark Village RDEIR for public review in August 2010, perchlorate was detected in Saugus Formation Well 201 in levels *below* the regulatory standard. VWC, the owner and operator of Well 201, immediately took the well out of service and notified the state DPH of the detection. DPH directed VWC to perform quarterly testing at the inactive well to track perchlorate levels. Nonetheless, VWC voluntarily elected to perform monthly testing.

By April 2011, VWC had gathered sufficient data to conclude that: (i) the perchlorate levels at Well 201 were above the adopted MCL on a regular basis; and (ii) remediation would be required. Therefore, VWC notified CLWA, the other water purveyors, the County, the City, and others that the well was impacted by perchlorate at levels over the regulatory standard. VWC also requested that Well 201's supply be excluded from the 2010 UWMP's supply calculations until the well is fully remediated and operational. VWC took this action to ensure that the 2010 UWMP would adequately address the impacted well.

The RDEIR was made available for public review over one year before Well 201 was impacted by perchlorate at levels that exceeded the regulatory standard. Therefore, this particular information was not available for inclusion in the RDEIR when it was made available for public review in February 2010. Notably, both the RDEIR and Final EIR, Section 4.10, Water Service, contain considerable information and analysis of the perchlorate detected in certain municipal supply wells in both the Saugus Formation and the Alluvial aquifer. This analysis disclosed the detection of perchlorate, and addressed treatment, well

capacity, and groundwater availability and reliability. The analysis also contemplated that other wells could be impacted and that wellhead treatment had been permitted and installed at wells in the Santa Clarita Valley groundwater basin and that the treatment removes perchlorate pumped from the well to a non-detect level. Applying the impact significance criteria set forth in Section 4.10, it was determined that the proposed Landmark Village project would not give rise to significant impacts relative to the perchlorate-impacted groundwater in the basin.

Further, the Revised Final EIR's analysis and determinations concerning perchlorate impacts is consistent with the information presented in the 2010 UWMP. The 2010 UWMP evaluated perchlorate-impacted groundwater supplies in terms of the overall availability and reliability of those supplies, and found that non-impacted municipal supply wells can be relied upon to meet the quantities of water projected to be available from both the Alluvial aquifer and the Saugus Formation during the time needed to restore perchlorate-impacted wells, including Well 201. (See 2010 UWMP, Appendix I, *Perchlorate Contamination and Impact on Water Supplies in the Santa Clarita Valley*.) Therefore, based on the 2010 UWMP and related documents, the detection of perchlorate in Well 201 is not considered "new information" that would affect the quality of the human environment in a significant manner or to a significant extent not already considered in the Revised Final EIR and record.

The County also is aware of comments that include "recommendations" and requests that go beyond the County's jurisdictional purview and the scope of the approvals sought by the project applicant. More specifically, the County has no authority to remove Well 201 from service - these groundwater sources are determined by the Santa Clarita Valley water agencies/suppliers. Similarly, as the project applicant is not responsible for water quality testing, there is no mechanism by which the County can require monthly testing at Well 201 or any other well; again, that is a matter within the jurisdictional controls of the local water agencies./supplier and other regulatory agencies (e.g., DPH).

By letter dated June 8, 2011, VWC informed the County that VWC plans to actively seek remediation of Well 201 under the Whittaker-Bermite perchlorate litigation settlement agreement and rapidly restore the impacted well capacity. (A copy of VWC's letter, dated June 8, 2011, is included in Revised Final EIR, **Appendix F4.10**.) Given VWC's experience of: (1) bringing its Well Q2 back into production; (2) actions under DPH 97-005 Policy Memo; (3) bringing treatment facilities on-line for the Saugus 1 and Saugus 2 wells; and (4) replacing capacity for its Well 157, VWC has determined that it could either install wellhead treatment to bring Well 201 back into service or replace the capacity with a new well within two years. This time estimate is conservative because of VWC's prior success in 2005 in restoring Well Q2 to municipal-supply service within an approximate six-month period. There also are now funds in place to remediate Well 201 upon the permitting and installation of wellhead treatment, or replacement of Well 201's capacity with a new replacement well. Nonetheless, as discussed below, the final 2010 UWMP does

not rely on Well 201 as an active groundwater source; that is, Well 201's capacity was not included in the active groundwater sources described in the text or tables of the 2010 UWMP, but instead identified as planned restored capacity.

As to testing, on August 4, 2011, DPH sent letters to both VWC and Newhall County Water District (NCWD) requesting that both entities increase perchlorate monitoring from annually to quarterly at specified wells. The VWC has provided written confirmation that it will conduct the perchlorate monitoring quarterly as requested by DPH and that NCWD plans to do the same; therefore, adequate oversight from the appropriate regulatory agency is in place. (The August 4, 2011 letters from DPH and the August 24, 2011 e-mail from Tom Worthington, Impact Sciences, Inc. to the County Department of Regional Planning are included in the Landmark Village Revised Final EIR, **Appendix F4.10**.)⁴

Perchlorate Remediation and Treatment In The Santa Clarita Valley

Substantial progress has been made in terms of perchlorate remediation/treatment in the Santa Clarita Valley, all of which has been conducted in cooperation with CLWA, local retail water purveyors, City of Santa Clarita, the U.S. Army Corps of Engineers (Corps), California DPH, DTSC, Los Angeles County Department of Public Works (DPW), community groups, Whittaker Corporation, and numerous consultants, contractors, supplies and others.⁵

For example, work toward the ultimate remediation of perchlorate contamination, including the restoration of impacted groundwater supply, continued to progress in 2010, with a focus on the construction of facilities to implement a jointly developed plan to “pump and treat” contaminated water from two of the originally impacted wells (Saugus 1 and Saugus 2) to stop migration of the contaminant plume, and to deliver treated water for municipal supply to partially replace impacted well capacity.

In September 2009, CLWA, in partnership with other local retail purveyors and the City of Santa Clarita, completed construction of CLWA's Saugus Perchlorate Treatment Facility (SPTF), a \$13 million facility located near Bouquet Canyon Road and the Santa Clara River to treat perchlorate in groundwater emanating from the Whittaker-Bermite property site. The SPTF is designed to restore groundwater production capacity impacted by perchlorate contamination and stop the migration of perchlorate from

⁴ With respect to trichloroethylene (TCE) and tetrachloroethylene (PCE), TCE and PCE have been detected in Saugus wells at below the MCL for both contaminants. DPH has determined "the presence of TCE and PCE in Saugus wells does not pose an unacceptable health risk at the concentrations and failure scenarios considered above, provided that CLWA follows monitoring and blending requirements established in the permit conditions." (*Saugus Perchlorate Treatment Facility Project Evaluation Summary* (November 10, 2010).)

⁵ As stated in Landmark Village RDEIR, **Section 4.3**, Water Quality, no perchlorate has ever been detected in the project area.

the site of the former munitions facility. The SPTF is part of the larger regulatory program, which includes the restoration of the Saugus 1 and Saugus 2 wells, to extract contaminated groundwater and control the migration of perchlorate in the Saugus Formation aquifer. The cost of that "pump and treat" system also is covered under the 2007 settlement agreement, which protects the public from paying for the remediation costs.

DPH issued an amendment to CLWA's Operating Permit in December, 2010, and the Saugus 1 and 2 wells were placed back in service in January 2011. Through this reactivation, CLWA's SPTF is now online, with numerous monitoring tests performed each week to ensure the safety of the water leaving the plant. The water purveyors continue to have sufficient pumping capacity to meet the planned normal range of Saugus pumping as described in the 2010 UWMP. (2010 Water Report page ES-5.)

As to those comments stating that the detection of perchlorate at Well 201 supports the conclusion that the "pump and treat" protocol being employed at Saugus 1 and Saugus 2 has been unsuccessful, the evidence indicates that the "pump and treat" program is not only endorsed by the relevant state agency (DPH), but also has been successful in containing the spread of perchlorate in the basin.

As noted in the 2010 UWMP, returning impacted wells to municipal water supply service via the installation of treatment facilities:

“requires DPH approval before the water can be considered potable and safe for delivery to customers. The permit requirements are contained in DPH Policy Memo 97-005 for direct domestic use of impaired water sources.

Before issuing a permit to a water utility for use of an impaired source as part of the utility's overall water supply permit, DPH requires that studies and engineering work be performed to demonstrate that pumping the well and treating the water will be protective of public health for users of the water. The Policy Memo 97-005 requires that DPH review the local retail water purveyor's plan, establish appropriate permit conditions for the wells and treatment system, and provide overall approval of returning the impacted wells to service for potable use.”

(2010 UWMP, p. 5-4.) As DPH approved the return of Saugus 1 and Saugus 2 to operation, and specifically approved the Final Interim Remedial Action Plan for containment and extraction of perchlorate in January 2006, this state agency necessarily determined that the local water agencies had devised a treatment approach that adequately contains the perchlorate contamination and is protective of public health; otherwise, DPH would not have authorized and permitted the Saugus 1 and 2 "pump and treat" program.

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Pursuant to page 5-3 of the 2010 UWMP, Saugus 1 and 2 operate at a continuous pumping rate of 1,100 GPM at each well, for a combined total of 2,200 GPM from the two wells. This continuous pumping rate was studied in two documents issued by Kennedy/Jenks Consultants: (1) the *Final Draft Interim Feasibility Study* (dated August 12, 2005); and (2) the *Interim Remedial Action Plan* (dated December 29, 2005). Both documents observe that sub-regional groundwater modeling developed and calibrated by CH2MHill indicated that "a pumping rate of 1,100 gallons per minute (gpm) for each of Saugus 1 and Saugus 2 should be sufficient to contain Saugus Formation groundwater impacted by perchlorate and prevent further migration of perchlorate in the Saugus Formation groundwater." (See *Feasibility Study*, p. ES-2; *Action Plan*, p. ES-2.) Accordingly, the *Action Plan* identified as its preferred alternative a project that "consists of pumping groundwater at a constant flow rate of 1,100 gpm from each of Wells Saugus 1 and 2, removing perchlorate from the groundwater using a single-pass ion exchange system, followed by disinfection and pumping the treated groundwater into an existing 84-inch treated potable water line for blending and distribution." (*Action Plan*, p. ES-2.)

As explained further in the 2010 UWMP:

"The groundwater model that was developed for use in analyzing the operating yield and sustainability of groundwater in the Basin was also used for simulating the capture and control of perchlorate contamination in the originally impacted Saugus wells. The results of that work are summarized in 'Analysis of Perchlorate Containment in Groundwater Near the Whittaker- Bermite Property, Santa Clarita, California' (CH2M Hill, December 2004). The recent detection of perchlorate in VWC Well 201 was not totally unexpected in light of the previously identified gradient for groundwater flow (westerly) from the source location and previously impacted wells. That gradient is now being controlled by the containment and extraction program that is in operation for the originally impacted wells, as discussed in this section and in Appendix I. The analysis is expected to be used in the development of the source water assessment of VWC Well 201."

(2010 UWMP, p. 5-4.) Appendix I of the 2010 UWMP also provides an extensive overview of the perchlorate contamination remediation efforts associated with the Whittaker-Bermite site. In explaining the recent detection of perchlorate at Well 201, Appendix I states:

"Analysis of the planned program for restoration of originally impacted wells using the basin groundwater model estimated that perchlorate-contaminated groundwater would be contained and captured by pumping Saugus 1 and 2. Ultimately, however, the combination of litigation, settlement, permitting and construction constrained actual implementation of the containment program until 2010, six years after the impact of the containment program on perchlorate migration in groundwater was analyzed. That time, combined with the preceding seven years since perchlorate first impacted water supply wells, resulted in a greater risk of downgradient migration of perchlorate in the Saugus Formation, and is interpreted to be the primary reason for the recent detection of

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perchlorate in VWC Well 201. However, as mentioned above, that possibility was addressed in the Settlement Agreement as it includes provisions for providing treatment to wells that are impacted by perchlorate not contained or captured by the original containment program."

In summary, the detection of perchlorate at Well 201 is not evidence that the "pump and treat" technology is failing to contain perchlorate. Rather, various factors delineated in Appendix I of the 2010 UWMP indicate that the delayed implementation of the Saugus 1 and 2 program is the reason for the downgradient migration to Well 201. (Also see Landmark Village Revised Final EIR, **Appendix 4.10** [Progress Letter Report from Hassan Amini, Ph.D., Project Coordinator for AMEC Geomatrix, to DTSC, dated September 15, 2009].)

Comments also state that perchlorate contamination and the lack of "clean up" facilities has precluded the water purveyors from providing the amount of groundwater required to meet the needs of existing and future Santa Clarita Valley residents. As indicated above, however, the Landmark Village RDEIR reported that an adequate supply of existing and planned water exists to meet the needs of Santa Clarita Valley residents now and in the future, despite the loss in capacity due to the perchlorate-impacted wells. This is achieved through an available and varied water supply portfolio. As indicated above, two of the originally impacted Saugus wells (Saugus 1 and 2) were placed back in service in January 2011, restoring approximately 3,544 af of water supply in a normal year. (2010 UWMP, Table 3-9.) The contaminated Stadium Well and VWC Well 157 have been replaced and the pumping capacity lost due to that contamination has been restored with two new replacement wells in non-impacted portions of the basin. Based on this information, the conclusions reached in the Landmark Village RDEIR that groundwater from existing and replacement wells will be available to assist in meeting the current and projected water demands in the Santa Clarita Valley is reasonable and supported by evidence.

Comments also generally reference the litigation brought in 2000 by CLWA and other local retail purveyors against prior and current owners of the former Whittaker-Bermite facility in order to recover clean-up costs for perchlorate-impacted wells in the basin. The Landmark Village RDEIR provides the following summary of the litigation as well as the Settlement Agreement reached in that action:

"In November, 2000 Castaic Lake Water Agency (CLWA), NCWD, SCWD, and VWC (collectively, "Plaintiffs") filed a complaint against past owner Whittaker and current owners SCLLC and Remediation Financial, Inc., (RFI)(Whittaker, SCLLC and RFI are collectively referred to as "Defendants") in the California Central District Court asserting that hazardous substances (including perchlorate) released from the Whittaker Bermite site contaminated some of Plaintiffs' water production wells. In July 2002, Plaintiffs moved the Court for partial summary judgment that Defendants were liable for response costs under the Comprehensive Environmental Response, Compensation, and Recovery Act (CERCLA). At the same time, Whittaker moved the Court to establish Plaintiffs'

liability under CERCLA. In July 2003, the Court granted (in part) Plaintiffs' motion and found that Whittaker and SCLLC were liable for CERCLA response costs and denied Whittaker's motion. *Castaic Lake Water Agency v. Whittaker Corporation*, 272 F.Supp.2d 1053 (2003).

In September 2003, the parties entered into an interim settlement agreement that stayed litigation to allow the parties to, inter alia, develop an engineering solution to contain and abate the groundwater contamination and negotiate a final settlement agreement. As a condition for staying litigation activities, Defendants were required to reimburse CLWA for past monitoring and investigation costs and fund the development of the engineering solution. While the parties developed a groundwater abatement/containment plan, they were unable to reach a final settlement agreement. The interim settlement agreement expired on January 31, 2005.

In July 2004, Defendants SCLLC and RFI, the current owners of the Whittaker property filed a petition for chapter 11 bankruptcy protection and were subject to the automatic stay of litigation. The SCLLC and RFI bankruptcy filing complicated settlement negotiations because any proposed settlement offer that involved SCLLC and RFI insurance proceeds -- a substantial and important source of settlement funds -- required bankruptcy court approval.

The stay of litigation lapsed on January 31, 2005 without a final settlement and on March 23, 2005, the Court ordered the parties to mediate the matter before the Honorable Eugene Lynch (ret.). On April 19, 2005, Plaintiffs and Defendants reached an agreement in principle on damages that was subject to Defendants reaching a settlement funding agreement with their insurance carriers. During the April 2005 mediation, VWC informed Defendants of the perchlorate contamination found in VWC's groundwater well Q2. Whittaker agreed to provide \$500,000 for the installation of a well head treatment unit. All capital as well as operating and maintenance costs for this treatment unit were funded by insurance companies representing the current and past owners of the property. Utilizing these funds, VWC installed a perchlorate removal system utilizing ion exchange technology. After only six months from the initial detection of perchlorate in the well, Q2 was returned to active service on October 12, 2005. Subsequently in October 2007, the California Department of Public Health approved a request by VWC to remove the treatment system as a result of two years of continuous operation without a detection of perchlorate in the untreated groundwater produced by Q2. Currently, Q2 remains in operation without any requirement for well head treatment.

In July 2005, the parties reported that settlement negotiations between Plaintiffs and Defendants had not progressed because Defendants and their insurance carriers had not reached an agreement on funding the settlement. The Court ordered the parties to resume litigation activities on August 16, 2005. In November 2005, Defendants and their insurance carriers reached an agreement on the allocation of environmental insurance proceeds for the site and funding of a potential settlement with the Plaintiffs and submitted the proposed settlement agreement to the bankruptcy court for approval. The Bankruptcy court approved the settlement agreement involving the insurance proceeds and in January 2006, Defendants provided Plaintiffs with a draft plan to utilize the

insurance proceeds to settle Plaintiffs' groundwater contamination claims." (Ibid., pp. 4.10-51 through 4.10-53.)

As explained above, the litigation to contain and remove perchlorate from the Santa Clarita Valley's groundwater aquifers has been settled, and the water purveyors estimate the settlement provides up to \$100 million to address the perchlorate issue.

2010 UWMP and 2010 Water Report

As noted at the outset, since circulation of the Landmark Village RDEIR in February 2010, the 2010 UWMP (June 2011) and 2010 Water Report (June 2011) have been completed. Both documents, which are presented in their entirety in Revised Final EIR **Appendix F4.10**, include information updating both current and projected groundwater conditions in the Santa Clarita Valley. The final 2010 UWMP (June 2011) thoroughly addresses perchlorate from both a capacity and treatment standpoint, and evaluates the recent detection of perchlorate at Well 201 to the satisfaction of the Santa Clarita Valley water agencies/suppliers.

Specific to perchlorate, the 2010 UWMP provides the following summary of events to date:

"[C]ertain wells in the Basin were impacted by perchlorate contamination and thus represented a temporary loss of well capacity within CLWA's service area. Six wells were ultimately taken out of service upon the detection of perchlorate, including four Saugus wells and two Alluvial wells. All have either been (1) abandoned and replaced, (2) returned to service with the addition of treatment facilities that allow the wells to be used for municipal water supply as part of the overall water supply systems permitted by [DPH] or (3) will be replaced under an existing perchlorate litigation settlement agreement (See Section 5). The restored wells (two Saugus wells and one Alluvial well) and the replacement wells (one Saugus and one Alluvial well), which collectively restore much of the temporarily lost well capacity, are now included as parts of the active municipal groundwater source capacities delineated in Tables 3-8 and 3-9. An additional two wells will be drilled to fully restore 4,200 gpm [gallons per minute] (6,776 AFY) of the impacted well capacity, thus restoring the operational flexibility that existed prior to the perchlorate being discovered. The cost of drilling the remaining two wells will be fully reimbursed under the terms of the perchlorate litigation settlement agreement....

Most recently, in August 2010, VWC's Well 201, located downgradient from the Whittaker-Bermite site and downgradient from the initially impacted Saugus 1, Saugus 2, and V157 wells, had detectable concentrations of perchlorate and the well was taken out of service. Water sampling tests from August 2010 through April 2011 also confirmed the presence of perchlorate over the adopted regulatory standard. This well was immediately taken out of service in August 2010 and its capacity is not included in active groundwater sources delineated in Table 3-9. VWC plans to actively seek remediation under the settlement agreement and restore the impacted well capacity in the near term." (2010 UWMP, page 3-34.)

The perchlorate detected in VWC's Well 201 was examined in detail in both the 2010 UWMP and the 2010 Water Report. Based on the analysis conducted for the 2010 UWMP, temporarily taking Well 201 out of service, while remediation is permitted, will have no significant impact on the Valley's water supplies, which are sufficient to meet the current and projected water demands in the Santa Clarita Valley, even after taking into account the impacted well. As stated in the 2010 UWMP:

“Perchlorate has been a water quality concern in the Valley since 1997 when it was originally detected in four wells operated by the purveyors in the eastern part of the Saugus Formation, near the former Whittaker-Bermite facility. Subsequent monitoring well installation has been completed; and a focused study of the Saugus Formation has ultimately been incorporated into the overall groundwater remediation and perchlorate containment. All remedial action has been reviewed by the DTSC.

Overall, the plans developed for groundwater operation will allow CLWA and the retail purveyors to meet near term and long term demand within the CLWA service area. Any well impacted by perchlorate will be removed from service in the near term and the loss of capacity will be met by near-term excess capacity in non-impacted wells or through the installation of replacement well(s), if necessary, until remediation alternatives, including wellhead treatment, and DPH approval is obtained for restoration of the impacted supply. The current removal of VWC Well 201 from service does not limit the reliability of the water supply since there is sufficient excess capacity in Saugus wells to meet water supply projections during the period required for its restoration. Therefore, no anticipated change in reliability or supply due to water quality is anticipated based on the present data, as is shown in Table 5-2.” (2010 UWMP pages 5-12 and 5-13.)

Both the 2010 UWMP and 2010 Water Report conclude that groundwater utilization in the Valley is sustainable, and will continue to be sustainable, in accordance with the groundwater operating plan. Specific to the 2010 UWMP, that document concludes that groundwater pumping remains within the groundwater operating plan, which has been analyzed for sustainability:

“Overall, the total municipal supply in this Plan includes a groundwater component that is, in turn, part of the overall groundwater supply of the Valley. As such, the municipal groundwater supply, distributed among the retail purveyors, recognizes the existing and projected future uses of groundwater by overlying interests in the Valley such that the combination of municipal and all other groundwater pumping remains within the groundwater operating plan (Table 3-5) that has been analyzed for sustainability.” (2010 UWMP pages 3-35 and 3-36.)

For additional related information, please see the 2010 Water Report, Section 3.1 Groundwater Basin Yield; Section 3.2 Alluvium – General; Section 3.3 Saugus Formation – General; and Section 4 Summary of 2010 Water Supply and 2011 Outlook. See also 2010 UWMP, Section 3.3 Groundwater, and Appendix I.

In summary, work continues on multiple levels to address groundwater contaminated by perchlorate stemming from past manufacturing activities on the former Whittaker-Bermite site. CLWA and the local

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retail purveyors are proceeding to restore the production capacity of the remaining groundwater supply wells contaminated by perchlorate, while working on the objectives of containing the downgradient migration of perchlorate. For technical information regarding these up-to-date activities, please refer to the Landmark Village Revised Final EIR, **Appendix F4.10**, which includes the 2010 UWMP and 2010 Water Report, and also see the following documents in **Appendix F4.10** of the Landmark Village Revised Final EIR: (a) letter from Hassan Amini, Ph.D., Project Coordinator for AMEC Geomatrix, to DTSC, dated June 8, 2009; (b) CLWA News Release, dated September 14, 2009; (c) Progress Letter Report from Hassan Amini, Ph.D., Project Coordinator for AMEC Geomatrix, to DTSC, dated September 15, 2009; and (d) CLWA Memorandum from Brian J. Folsom to CLWA Board of Directors, dated October 1, 2009.

Based on the information presented in the Landmark Village RDEIR, and the updated information provided in this response, it is appropriate to conclude that substantial progress continues to be made in responding to perchlorate contamination resulting from the former Whittaker-Bermite site and that the facilities needed for perchlorate remediation/treatment are in place and actively monitored by CLWA, local retail purveyors, and several regulatory agencies including DPH and DTSC.

Updated Topical Response 2: Newhall Ranch RMDP/SCP Project and Associated EIS/EIR

Several comments refer to the joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP) project. The RMDP/SCP is a separate but related project that encompasses the Newhall Ranch Specific Plan and two planning areas in the Specific Plan's immediate vicinity, the Valencia Commerce Center (VCC) and Entrada, located in the Santa Clarita Valley, County of Los Angeles. The joint EIS/EIR was prepared by the U.S. Army Corps of Engineers (Corps), acting as the lead agency under the National Environmental Policy Act (NEPA), and the California Department of Fish and Game (CDFG), acting as the lead agency under the California Environmental Quality Act (CEQA).

The RMDP/SCP and associated EIS/EIR were described in both the Landmark Village Recirculated Draft EIR, Vol. I (January 2010), Section 1.0, pp. 1.0-28 through 1.0-34; and the prior Landmark Village Draft EIR (November 2006), Section 4.4, pp. 4.4-135-147. Both the Recirculated Draft EIR (January 2010) and the prior Draft EIR (November 2006) also listed the RMDP/SCP project as one of 22 projects with related or cumulative impacts associated with the Landmark Village proposed project. The joint EIS/EIR is available for public review at CDFG's website: <http://www.dfg.ca.gov/regions/5/newhall/docs/>. This background regarding the RMDP/SCP and EIS/EIR is provided in order to place the comments received on the Landmark Village Recirculated Draft EIR into context.

In summary, the comments generally state that Los Angeles County's review of the Landmark Village proposed project and EIR should either be "stayed" or "not proceed" until the EIS/EIR has been completed. Other comments request that the EIS/EIR be finalized and that the Corps issue its "record of decision" and CDFG issue its "notice of determination" approving the RMDP/SCP project and associated Final EIS/EIR prior to proceeding any further with the Landmark Village proposed project and EIR. In addition, the comments state that the "sequence" of the Landmark Village EIR and the EIS/EIR is "backwards," meaning that some commentators would like to see the EIS/EIR be completed and adopted before the County proceeds any further with the Landmark Village project and EIR. The County does not concur with these comments for the reasons explained below. In addition, the County has provided additional updated information pertinent to the RMDP/SCP project and associated EIS/EIR, which is responsive to the comments.

1. The County's Review of the Landmark Village Project and EIR Need Not Await Completion of the EIS/EIR

The County has considered the above comments, and has concluded that the County's review of the Landmark Village project and EIR need not await completion of the Newhall Ranch RMDP/SCP project and EIS/EIR. The reasons supporting the County's factual determination are set forth below.

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First, the Newhall Ranch RMDP/SCP project is one of 22 projects with related or cumulative impacts. (See Recirculated Draft EIR (January 2010), Section 1.0, pp. 1.0-28; and see Draft EIR (November 2006), Section 4.4, pp. 4.4-135–147.) Under CEQA, the list of cumulative projects is to include "past, present, and probable future projects" producing related or cumulative impacts. (*State CEQA Guidelines*, Section 15130(b)(1)(A).) The RMDP/SCP project falls into the category of a "present" or "probable future project" under CEQA. No requirement exists for a proposed project, such as Landmark Village, to be stayed or to not proceed because there is a related "present" or "probable future project" under review by different public agencies. Instead, the legal obligation under CEQA is for the Landmark Village EIR to discuss the cumulative impacts of the Landmark Village project, in conjunction with other projects with related impacts. This analysis was completed in the Landmark Village Recirculated Draft EIR, and it included the RMDP/SCP project. (See, e.g., Recirculated Draft EIR (January 2010), Section 1.0, pp. 1.0-28 through 1.0-34; Section 4.4, pp. 4.4-262 through 4.4-263, 4.4-299 through 4.4-300.)

Second, before the applicant sought federal and state permits for portions of the Specific Plan, and before initiating preparation of the Landmark Village project EIR, the County certified a programmatic environmental document for the entire Specific Plan area.¹ Consistent with *State CEQA Guidelines* section 15168, the previously certified Newhall Ranch programmatic environmental documentation provided several advantages, including: (a) allowing for a more exhaustive consideration of effects and alternatives for the entire Specific Plan area than would be practical if the review was conducted on a project-by-project basis; (b) ensuring consideration of cumulative impacts that might be slighted or overlooked in a case-by-case analysis; (c) avoiding duplicative reconsideration of basic policy considerations and decisions already made by Los Angeles County; and (d) allowing the County to consider broad policy alternatives and program-wide mitigation measures at an early time in the environmental review process. The *State CEQA Guidelines* further acknowledge that later activities, which are part of the program, are required to be examined in light of the prior program documentation. (*State CEQA Guidelines*, Section 15168(c).) Here, as part of the approved Specific Plan, the County contemplated that the applicant would be required to also pursue the federal and state permitting needed to facilitate implementation of the Specific Plan. (See Specific Plan, May 2003, Section 2.6, p. 2-85.) The previously certified Newhall Ranch "program" documentation serves as the foundation for these subsequent federal and state actions and permits. With this program in place, nothing prohibits or precludes concurrent processing at the project level.

¹ See, Revised Draft Program EIR for the Newhall Ranch Specific Plan and Water Reclamation Plan (March 8, 1999), and the Newhall Ranch Revised Additional Analysis, Volume VIII (May 2003), SCH No. 1995011015. This previously certified Newhall Ranch environmental documentation is incorporated by reference in the Landmark Village EIR and record, and is available for public inspection and review at Los Angeles County Department of Regional Planning, 320 West Temple Street, Los Angeles, California 90012.

Third, the Newhall Ranch RMDP/SCP project was initiated as part of the implementation of the Specific Plan. The adopted Specific Plan (May 27, 2003) specifically contemplated that "[m]itigation and management activities within Newhall Ranch will be subject to a variety of future requirements," including CDFG "Section 1603 Streambed Alteration Agreements" and "Section 404 Permits" issued by the Corps. (See Specific Plan, May 2003, Section 2.6, p. 2-85.) Importantly, nothing in the County's Specific Plan implementation procedures requires the Landmark Village subdivision map process to be stayed or otherwise await completion of the federal/state permitting process for the Newhall Ranch RMDP/SCP project. (See Specific Plan, May 2003, Section 5, pp. 5-1 through 5-33.)

Fourth, some comments suggest that the Landmark Village project should not proceed until the Newhall Ranch RMDP/SCP project and EIS/EIR are completed, because impacts, mitigation, or alternatives identified in the federal and state permit process for the RMDP/SCP project may affect the Landmark Village project and possibly require design changes or revisions. However, the County considers these comments not as a basis for staying or deferring the Landmark Village project, but rather as a description of the further environmental review process, which was contemplated when the Specific Plan was adopted. Stated differently, the County anticipates additional mitigation and possible design changes for the Landmark Village project as a customary part of the ongoing project-specific planning and environmental review process. The County anticipates that, if the Landmark Village project is approved, federal and state agencies may subsequently impose additional mitigation measures, which could result in design changes to the Specific Plan, including the Landmark Village project area; however, such actions are part of the expected federal and state permitting process. Nothing precludes the two processes (local and federal/state) from proceeding concurrently. And, nothing precludes the local project-specific process from going "ahead" of the federal/state permitting process. In fact, the processing of project approvals in phases from the general planning level to more specific construction proposals is neither new nor unique for complex, phased projects that are anticipated to be constructed over a period of several years.

Finally, County staff has confirmed that the Landmark Village applicant is working with federal and state agency representatives, sharing project-specific data, and coordinating regularly on various Specific Plan-related planning and environmental issues, including the Landmark Village project. In addition, County staff has confirmed CDFG's position with respect to the County proceeding with the Landmark Village proposed project concurrently with the RMDP/SCP project. In CDFG's letter on Landmark Village's Recirculated Draft EIR, CDFG stated that the County is "the local land use authority with respect to the Specific Plan, the Landmark Village project specifically, and all other county land," and that "the County has plenary land use authority to proceed with its review of the Landmark Village project at this or any other time." (See Landmark Village Revised Final EIR, **Appendix F4.4** [CDFG letter to Samuel Dea, dated

March 17, 2010, p. 2].) This letter indicates that the state agency processing the joint EIS/EIR does not object to the concurrent processing of the Landmark Village proposed project and the RMDP/SCP project.

Indeed, the County prefers that these “sequencing” issues be left to the project applicant, and does not wish to regulate the manner in which an applicant desires to implement an approved plan, like the adopted Newhall Ranch Specific Plan. In addition, as part of the future processing of permits required to implement the Specific Plan (e.g., Corps 404 permit, CDFG Streambed Alteration Agreement, etc.), the County expects appropriate federal and state agencies to continue to be consulted and as additional conditions or mitigation measures are identified, they will become part of the mechanisms implementing the overall program (i.e., Newhall Ranch Specific Plan).

2. RMDP/SCP Project and Associated EIS/EIR Update

The Draft EIS/EIR for the RMDP/SCP project was made available for public comment by the Corps and CDFG on April 27, 2009. (See Draft EIS/EIR, SCH No. 2000011025.) The EIS/EIR was prepared under both NEPA and CEQA to assess the environmental implications of implementing the proposed RMDP/SCP project. An update to the RMDP/SCP project and EIS/EIR is provided in the Landmark Village Recirculated Draft EIR, Section 1.0, Project Description, pp. 1.0-28–1.0-34. The update, as of January 2010, includes a summary of both the RMDP and SCP components of that project; it also includes a detailed summary of the federal and state regulatory permitting process for the RMDP/SCP project.

The public comment period on the *Draft* EIS/EIR for the RMDP/SCP project began on April 27, 2009 and closed on August 25, 2009 (after an extension). During the comment period, a public hearing was held to provide the public with an opportunity to: (i) become more familiar with the proposed RMDP/SCP project and the alternatives under consideration; and (ii) provide oral and written comments on the Draft EIS/EIR. The comments presented to the Corps and CDFG at the hearing were recorded and entered into the public record. The meeting was held on June 11, 2009, at 6:30 PM, at Rancho Pico Middle School, located at 26250 West Valencia Boulevard, Stevenson Ranch, California.

The *Final* EIS/EIR for the RMDP/SCP project was released for additional public review/comment on June 18, 2010. This additional review period for the Final EIS/EIR began on June 19, 2010 and ended on August 3, 2010 (after an extension). The total public review period on the Final EIS/EIR was 45 days. County staff has been monitoring the concurrent processing of both the Landmark Village proposed project and the RMDP/SCP project.

3. The RMDP/SCP Project Approvals

Based on the County's monitoring, on December 3, 2010, CDFG took final action to certify the EIR portion of the joint EIS/EIR for the Newhall Ranch RMDP/SCP project, and to approve the Master Streambed Alteration Agreement under Fish & Game Code sections 1602 and 1605, and two Incidental Take Permits under section 2081 of the California Endangered Species Act (CESA). In addition, CDFG approved the applicant's "Resource Management and Development Plan" (December 3, 2010) and "Spineflower Conservation Plan" (December 3, 2010). CDFG also adopted CEQA findings, CESA findings, and a Mitigation Monitoring and Reporting Plan for the CDFG-adopted project. CDFG's approval documents are available for public review upon request to the County Department of Regional Planning, or CDFG, and are incorporated by reference.

On June 7, 2011, the U.S. Department of the Interior, Fish and Wildlife Service (USFWS), issued a favorable "no jeopardy" Biological Opinion for the Newhall Ranch RMDP/SCP project. A copy of the USFWS Biological Opinion is found in **Appendix F4.4** of the Landmark Village Revised Final EIR.

In addition, in August 2011, the Corps approved the EIS portion of the joint EIS/EIR for the Newhall Ranch RMDP/SCP project, and issued its "Record of Decision," or ROD, approving the applicant's requested Clean Water Act section 404 permit. In conjunction with the Corps' issuance of the section 404 permit, the Corps identified the final "least environmentally damaging practicable alternative" (LEDPA) to the RMDP/SCP project after engaging in further coordination efforts with the applicant, the U.S. Environmental Protection Agency (USEPA), and the Regional Water Quality Control Board (RWQCB).

The final Newhall Ranch RMDP project (LEDPA), is a modified version of the Draft LEDPA, which was described in the Final EIS/EIR (June 2010). The final LEDPA avoids permanent impacts to an additional 18.4 acres of waters of the United States, including 3.5 acres of wetlands in the middle reach of Potrero Canyon. Additionally, a small development area in San Martinez Grande Canyon will be relocated, allowing proposed bank stabilization to be constructed entirely in upland areas and thereby reducing temporary impacts to aquatic resources in San Martinez Grande by 0.5 acre. Based on input received from CDFG, the final LEDPA also provides increased spineflower preserve acreage, in part by adding two new spineflower preserves - the Magic Mountain and Spring preserves.

The final LEDPA also provides larger riparian corridors within five major tributaries. As with the Draft LEDPA, there would only be two bridges crossing the Santa Clara River (Commerce Center Drive Bridge and the Long Canyon Road Bridge). The Potrero Canyon Road Bridge would not be authorized by the Corps for construction, reducing impacts to jurisdictional waters and wetlands in the Santa Clara River and lower Potrero Canyon. In addition, a 19.3-acre wetland mitigation area would be established in lower

Potrero Canyon, contiguous with the existing cismontane alkali marsh. In Long Canyon, most of the existing drainage would be modified and a new channel constructed that will replace the existing function and values; 5.24 acres would be used for project mitigation. The excess in Long Canyon will be available mitigation for other Newhall projects or for mitigation banking under 33 C.F.R. Part 332. In the three other major tributary drainages, Lion, San Martinez Grande, and Chiquito Canyons, the project would incorporate limited channel grading to expand the drainages and adjacent riparian areas and realign their banks. The remainder of the jurisdictional areas in Potrero, Lion, San Martinez Grande, and Chiquito Canyons would be avoided.

Overall, the final LEDPA would permanently fill approximately 47.9 acres of waters of the United States, which is 45.4 acres less than the originally proposed RMDP project and 18.4 acres less than the draft LEDPA. It would temporarily disturb 35.3 acres, which is 2 acres more than the originally proposed RMDP project and 3.1 acres more than the draft LEDPA. Of those impacts, 5.8 acres of permanent impact and 15.7 acres of temporary impact to waters of the United States would occur in the mainstem of the Santa Clara River. The remaining 42.1 acres of permanent impact and 19.6 acres of temporary impact to waters of the United States would occur in the tributary drainages within the project area. Of the total 660.1 acres of waters of the United States present on the RMDP site, the LEDPA would avoid permanent or temporary impacts to approximately 87 percent (576.9 acres), compared to 80 percent avoidance under the proposed RMDP/SCP project and 85 percent avoidance for the draft LEDPA.

Implementation of the final LEDPA would permanently disturb 5.1 acres of wetlands, 15.4 acres less than the originally proposed RMDP project and 2.6 acres less than the draft LEDPA. The final LEDPA would temporarily disturb 11.8 acres of wetlands, approximately 0.6 acre more than the originally proposed RMDP project and 0.4 acre more than the draft LEDPA. These impacts are a subset of the total impacts to waters of the United States described in the previous paragraph. In total, the final LEDPA would avoid permanent or temporary impacts to approximately 94 percent of the 276.9 acres of wetlands on site.

The mitigation associated with the final LEDPA will substantially increase the acreage of waters of the United States and functions/services and values of waters of the United States. It would provide 114.04 acres of compensatory mitigation (creation and enhancement of jurisdictional areas), with a 2.4 to 1 mitigation ratio for permanent impacts to waters of the United States and a 6.9 to 1 mitigation ratio for permanent impacts to wetland waters of the United States. In addition, it would preserve and protect in perpetuity approximately 612.2 acres of waters that are not permanently impacted, including 271.8 acres of wetlands, and would place a restrictive covenant for flood protection on an additional 119 acres, consisting of approximately 89 acres of waters of the United States and 30 acres of adjacent upland floodplain area in the Santa Clara River immediately downstream of the RMDP area, as shown on Figure 20 and Figure 9, respectively, of the final Mitigation Plan (Dudek, August 2011). The ratio of preserved

acres to permanently impacted acres of waters of the United States is approximately 14.6 to 1, and 53 to 1 for impacted wetlands. The final LEDPA also would comply with all of the mitigation measures required by CDFG under the streambed alteration program created by Fish & Game Code sections 1602 and 1605.

In addition, the final LEDPA will incorporate advanced LID measures, consistent with a LID Performance Standard that was developed based on consultation with the Corps, USEPA, and RWQCB.

By October 15, 2028, oil and gas wells located in areas scheduled for future protection under conservation easements or deed restrictions will be plugged and abandoned and surrounding areas remediated. Within 180 days after the section 404 permit is issued, the RMDP project will install suitable erosion control best management practices (BMPs) between those oil wells and the adjacent waters of the United States and maintain such BMPs in good working condition until the wells are abandoned and remediated.

The final LEDPA is further described in the Corps' ROD, section 404 permit, its final section 404(b)(1) alternatives analysis, and the final Mitigation Plan (Dudek, August 2011), all of which are available upon request to the County Department of Regional Planning, or the Corps, Los Angeles District, Ventura Field Office, 2151 Alessandro Drive, Suite 110, Ventura, California, and incorporated by reference.

4. Potrero Bridge

The Corps has approved the LEDPA without authorizing construction of the Potrero Canyon Road bridge; therefore, a question arises as to whether the traffic circulation would remain acceptable under the approved Specific Plan without the Potrero Canyon Road bridge. Section 4.7, Traffic/Access, of the Landmark Village RDEIR has been revised to address this question. A summary of those findings is provided below.

Based on the analysis presented in the Landmark Village Revised Final EIR, **Section 4.7, Traffic/Access**, in **Section 3.0** of the Revised Final EIR, buildout of the Specific Plan, including Landmark Village, can occur without the Potrero Canyon Road bridge, while still maintaining acceptable levels of service on area roadways. This is due primarily to the fact that the Potrero Canyon Road bridge was included as part of the Specific Plan circulation system for purposes other than maintaining acceptable levels of service; instead, its primary purpose was to facilitate access to SR-126, which is still provided by Commerce Center Drive bridge and Long Canyon Road bridge within the Newhall Ranch Specific Plan. Thus, the Potrero Canyon Road bridge is not essential to providing acceptable levels of service upon buildout of the Specific Plan, including Landmark Village, and the absence of the bridge does not affect the results of the Landmark traffic impacts analysis, including the identification of significant impacts, presented in Section 4.7.

Similarly, removal of the Potrero Canyon Road bridge would not result in increased impacts relative to noise and air quality. Please see the Landmark Village Revised Final EIR **Section 3.0**, revised **Section 4.8, Noise**, and revised **Section 4.9, Air Quality**, for the information supporting this finding.

Updated Topical Response 3: Additional Public Review Opportunities

Some of the comment letters request that the public comment period on the Landmark Village Recirculated Draft EIR be extended to allow additional time to review the document. A few of the comments were in connection with a request to stay or halt the processing of the Landmark Village project pending completion of the separate but related Newhall Ranch Resource Management and Development Plan/Spineflower Conservation Plan (RMDP/SCP) project and associated EIS/EIR. (For information concerning this subject, please refer to **Updated Topical Response 2: Newhall Ranch RMDP/SCP Project and Associated EIS/EIR.**) As background, the Landmark Village Final EIR (November 2007) included a topical response addressing prior comments concerning the time allowed to review the Landmark Village Draft EIR. (See Landmark Village Final EIR, November 2007, Vol. I, Topical Response 3.) The purpose of this topical response is to respond to such comments by providing information concerning the additional opportunities that were available for public review and comment on the Landmark Village Recirculated Draft EIR (January 2010).

In February 2010, the County issued a “Notice of Completion, Availability, and Recirculation” of the Recirculated Draft EIR for the Landmark Village proposed project. The Landmark Village Recirculated Draft EIR is comprised of Volumes I-XI, plus a Map Box. The notice summarized the changes made to the Landmark Village proposed project and associated EIR. In addition, it specified that the County had determined the entire Landmark Village Draft EIR (November 2006) should be replaced by the Recirculated Draft EIR (January 2010), and further determined that it be recirculated to enable all interested agencies and parties to reevaluate the significant environmental impacts associated with the proposed project. Consistent with *State CEQA Guidelines* section 15088.5(f)(3), the County sent a copy of the notice to every agency, organization, and person that commented on the Landmark Village Draft EIR (November 2006). The notice alerted those agencies, organizations, and persons that had submitted comment letters on the previously circulated Draft EIR (November 2006) that their comments already had been responded to in writing in the Landmark Village Final EIR (November 2007) and that they did not need to resubmit their prior comments in conjunction with the Landmark Village Recirculated Draft EIR (January 2010).

The public comment period for the Landmark Village Recirculated Draft EIR began on February 1, 2010, and continued until March 17, 2010, which is consistent with the 45-day public comment period specified under CEQA (see *State CEQA Guidelines*, Section 15105(a)). During the public comment period, the Recirculated Draft EIR was made available on the County’s website http://planning.lacounty.gov/assets/upl/case/tr_53108-rdeir.pdf. In addition, copies of the Recirculated Draft EIR, appendices, and related materials, were made available for public inspection and review at the following three Los Angeles County libraries: (a) Newhall County Library, 22704 West 9th Street, Newhall,

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California 91321-2808; (b) Castaic Library, 27971 Sloan Canyon Road, Castaic, California 91384; and (c) Canyon Country Jo Anne Darcy Library, 18601 Soledad Canyon Road, Canyon Country, California 91351-3721. Copies of the Recirculated Draft EIR, appendices, and related materials also were available for public inspection and review, Monday-Thursday, during regular business hours, at the County's Department of Regional Planning, 320 West Temple Street, Los Angeles, California 90012.

After the close of the public comment period, County staff directed and oversaw preparation of responses to all agency and public comments received on the Landmark Village Recirculated Draft EIR. In addition, the County's Board of Supervisors will conduct an additional duly noticed public hearing to consider whether to certify the Landmark Village Final EIR, and adopt the Landmark Village project approvals. The Board of Supervisors' public hearing will provide an additional opportunity for agencies and the public to provide further input on both the Landmark Village project and associated EIR.

New Topical Response 10: Bankruptcy-Related Comments

The following provides a comprehensive response to those comments received on the Landmark Village Recirculated Draft EIR that generally question the bankruptcy or financial viability of the project applicant, The Newhall Land and Farming Company (Newhall).

Legal Overview and Response Summary

As a threshold legal matter, CEQA does not require that economic data be included in an EIR. (*State CEQA Guidelines*, Section 15131.) “[A]n EIR is an *environmental* impact report. As such, it is an informational document, not one that must include ultimate determinations of economic feasibility.” (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689, emphasis in original.) Nor is the financial status of a project applicant relevant evidence of a project’s feasibility. (*See Uphold Our Heritage v. County of Woodside* (2007) 147 Cal.App.4th 587, 599-600 [“CEQA should not be interpreted to allow discrimination between project applicants for an identical project based upon the financial status of the applicant.”].)

Nonetheless, the County will respond to the comments. As discussed below, the applicant has emerged from bankruptcy as a reorganized entity with the resources and financial flexibility to move forward with implementation of the Landmark Village proposed project. Further, if the project is approved, the County would adopt a mitigation monitoring or reporting program, pursuant to Public Resources Code, section 21081.6, to ensure that the mitigation measures it has adopted to mitigate or avoid significant impacts of the project are implemented.

Bankruptcy Filing and Status

On June 8, 2008, LandSource Communities Development, LLC, owner of the applicant (Newhall), filed a voluntary petition for chapter 11 bankruptcy protection in the U.S. Bankruptcy Court for the District of Delaware in Wilmington. As a LandSource subsidiary, Newhall was included in the bankruptcy filing. The bankruptcy filing was brought about because LandSource was unable to reach agreement with its lenders on a plan to modify and restructure its debt, all of which occurred in conjunction with a dramatic, precipitous decline in real estate values in California and throughout the nation.

As background, chapter 11 is the business reorganization chapter of the Bankruptcy Code. It promotes equal treatment for similarly situated holders of claims and equity interests, subject to the distribution priorities prescribed by the Bankruptcy Code. Commencement of a chapter 11 case creates an estate that comprises all of the legal and equitable interests of the debtor as of the commencement of the case. The Bankruptcy Code provides that a debtor may continue to operate its business and remain in possession of

its property as a debtor in possession (DIP). Consummating a plan of reorganization is the principal objective of a chapter 11 case. A bankruptcy court's confirmation of a reorganization plan binds the debtor, any entity acquiring property under the plan, any holder of a claim or equity interest in a debtor and all other entities as may be ordered by the bankruptcy court, to the terms and conditions of the confirmed reorganization plan.

Prior to soliciting acceptances of a proposed chapter 11 reorganization plan, the Bankruptcy Code requires a plan proponent to prepare a disclosure statement (Disclosure Statement). The statement is to contain information, in sufficient detail, to enable a hypothetical reasonable investor to make an informed judgment about acceptance of the chapter 11 reorganization plan. After a hearing, the bankruptcy court may approve, deny, or modify the disclosure statement as containing adequate information pursuant to the Bankruptcy Code. If approved, the proponent of the reorganization plan seeks bankruptcy court confirmation of the plan.

In early June 2009, Barclays Bank PLC, for itself and other banks and financial institutions, proposed amended joint chapter 11 plans for reorganization of LandSource and each of its affiliated debtors (Plan). Barclays also provided required disclosure statements, describing the Plan and providing creditors with the opportunity to review and vote on the proposed Plan. On July 20, 2009, after hearings, the Bankruptcy Court entered findings, conclusions, and an order confirming the Plan (Confirmation Order). This Confirmation Order confirmed the Plan as having satisfied the requirements of chapter 11 of the Bankruptcy Code, and authorized the debtors to implement the Plan effective July 31, 2009.

According to the approved Disclosure Statement, the Plan provides for the reorganization of LandSource and each of the debtor entities, with ownership of the reorganized debtors and their respective assets vesting in the applicable reorganized debtor, "free and clear of all claims, liens, charges, encumbrances, and interests of claims and interest holders," except as set forth in the Plan. As a result of the reorganization, LandSource has emerged from chapter 11 bankruptcy as "Newhall Land Development LLC."

Based on the approved Disclosure Statement and Plan, the new company (Newhall Land Development LLC) has working capital of more than \$90 million in cash and no debt on its beginning balance sheet, and it will have additional resources and financial flexibility necessary to focus on planning and developing the Newhall Ranch Specific Plan and the remainder of the existing Valencia community. Based on the bankruptcy-related documents, Newhall is backed by ownership consisting of a group of investment funds, along with Lennar Corp. (Lennar), and will be managed by Emile Haddad, the CEO of Five Point Communities Management, Inc. (Five Point), a newly formed management company jointly owned by Mr. Haddad and Lennar. Mr. Haddad resigned as Lennar's Chief Investment Officer to assume

his new duties at Five Point. Five Point will augment Newhall Land's existing management team, which has several years of combined real estate and land development experience. In summary, LandSource and Newhall are no longer in bankruptcy due to the successful reorganization.

The approved Disclosure Statement, the Plan, and the Bankruptcy Court's Confirmation Order provide additional technical information concerning the bankruptcy and the reorganization efforts. These documents are incorporated by reference and available for public review and inspection upon request at the County of Los Angeles, Department of Regional Planning, 320 West Temple Street, Los Angeles, California 90012.

Conclusion

As demonstrated above, the applicant has emerged from chapter 11 bankruptcy with the resources and financial flexibility necessary to move forward with development of the Landmark Village proposed project. In addition, if the County certifies the EIR and approves the Landmark Village project, then the County would also adopt a Mitigation Monitoring and Reporting Program (MMRP), which would ensure implementation, monitoring, and enforcement of all adopted mitigation measures. The adopted MMRP provides the County with adequate assurances that the applicant will be required under CEQA to implement the adopted mitigation measures, or not proceed with its project. At the final subdivision map stages, subdivision improvement agreements, bonds, and other adequate financial assurances also will be required to ensure performance of the mitigation adopted in conjunction with the project, if approved.

New Topical Response 11: Nickel Water

Comments have been received on the Landmark Village Revised Draft EIR questioning one of the sources of water for the Newhall Ranch Specific Plan referred to as “Nickel water.” Specifically, comments claim that there is no environmental documentation, which discloses and discusses the Nickel water transfer from the lower Kern River to the Newhall Ranch Specific Plan site. Other comments state that no point of delivery agreement exists with the Department of Water Resources (DWR) to transport the Nickel water from the Tubman turnout in Kern County to the Specific Plan site. Other comments suggest that the impacts of this water transfer were never addressed.

This topical response addresses the Nickel-related comments received on the Landmark Village Recirculated Draft EIR. The response is based on the information presented in the Landmark Village Recirculated Draft EIR, Section 4.10, Water Service, which is summarized below, and other information from both the previously certified Newhall Ranch environmental documentation, including the Revised Draft Additional Analysis, Volumes I and II (November 2002) and the Revised Additional Analysis, Vol. VIII (May 2003; SCH No. 1995011005), as well as information provided by Castaic Lake Water Agency (CLWA) and other retail water purveyors in the Santa Clarita Valley.

Before responding to specific comments, background information is provided below concerning the Nickel water supply source for the Newhall Ranch Specific Plan.

Landmark Village Water Supplies

The proposed Landmark Village project would generate a total water demand of 972 acre-feet per year (afy),¹ 608 afy of potable water demand, and 364 afy of non-potable demand.² Potable water demand (608 afy) would be met by the Valencia Water Company through the use of the project applicant’s rights to 7,038 afy of groundwater from the Alluvial aquifer, which is presently used by the applicant for agricultural irrigation. Because this water is already used to support the applicant’s existing agricultural uses, there is not expected to be any significant environmental effects resulting from the use of such water to meet the potable demands of the Landmark Village project, which is part of the approved Newhall Ranch Specific Plan area. In addition, due to project conditions, the amount of groundwater that will be used to meet the potable demands of the Newhall Ranch Specific Plan, including the Landmark Village

¹ An acre-foot represents 43,560 cubic feet, or 325,850 gallons, of water. An acre-foot of water has been generally defined as “an irrigation-based measurement equaling the quantity of water required to cover an acre of land to a depth of one foot.” See, *Brydon v. East Bay Mun. Utility Dist.* (1994) 24 Cal.App.4th 178, 182, fn. 1.

² Since preparation of this topical response, the project’s water demand slightly decreased in response to the revised project design. For further information, please see the Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design.**

project, cannot exceed the amount of water historically and presently used by the applicant for agricultural uses. Therefore, no net increase in groundwater use will occur with implementation of this project pursuant to the Specific Plan.

Non-potable water demand (364 afy) would be met through the use of recycled (reclaimed) water from the initial phase of the Newhall Ranch Water Reclamation Plant (WRP), with buildout of the WRP occurring over time as demand for treatment increases with implementation of the Newhall Ranch Specific Plan. Alternatively, if the Newhall Ranch WRP is not operating at the time of project occupancy, the non-potable water demand would be met through the use of recycled water from the existing Valencia WRP, located upstream of the Landmark Village project site.

Accordingly, the proposed project's water demand would be met by relying on two primary sources of water supply, namely, the applicant's agricultural water supplies and recycled water supplied by the Newhall Ranch WRP or the existing Valencia WRP. Because these two independent water sources meet the water needs of the proposed project, no potable water would be needed from the existing or planned water supplies of Castaic Lake Water Agency (CLWA), including imported water from CLWA's State Water Project (SWP) supplies. Nonetheless, CLWA's water supplies, including imported water from the SWP, and other non-SWP supplies, were assessed in the Landmark Village Recirculated Draft EIR for information purposes.

Based on the Landmark Village Recirculated Draft EIR's assessment of water supplies and demand in **Section 4.10**, an adequate supply of water is available to serve the Landmark Village project, and the project will not contribute to any significant cumulative water supply impacts in the Santa Clarita Valley, because it would rely on local groundwater and recycled water from local water reclamation plants and not use or rely on CLWA's SWP supplies. No significant water supply or water quality impacts are expected from supplying available water to meet the demands of the Landmark Village project.

Newhall Ranch Specific Plan Water Supplies

The total water demand for the approved Specific Plan, which includes Landmark Village, is estimated to be approximately 16,400 acre-feet per year (afy). Of this total, potable demand is 8,135 afy and non-potable demand is 8,265 afy. Specific Plan demand also is projected to increase by approximately 10 percent in years with lower than average local rainfall (a "dry year") to a total Specific Plan demand of 18,040 afy in that dry year. (Landmark Village Recirculated Draft EIR, p. 4.3-83.) In response to the Specific Plan's water demand, the Landmark Village Recirculated Draft EIR stated:

"[T]he Specific Plan will use local groundwater, *Nickel water*, and recycled water from local WRPs to meet its potable and non-potable water demands. *These local supplies are*

readily available from the local groundwater basin, contracts (Nickel water), and from existing and approved WRPs (either the two existing upstream WRPs or the approved Newhall Ranch WRP)." (Ibid., p. 4.10-15 italics added.)

As to the Nickel water supply source, the Landmark Village Recirculated Draft EIR provided the following detailed information:

"Nickel Water. The Newhall Ranch Revised Additional Analysis (Volume VIII, May 2003) provides that the Specific Plan applicant has secured 1,607 af of water under contract with Nickel Family LLC in Kern County. This water is 100 percent reliable on a year-to-year basis and not subject to the annual fluctuations that can occur to the SWP in dry-year conditions. The Nickel water is part of a 10,000 acre-foot quantity of annual water supply that Nickel obtained from Kern County Water Agency (KCWA) in 2001 pursuant to an agreement between Nickel, KCWA, and Olcese Water District (Olcese). Under that agreement, Nickel has the right to sell the 10,000 AFY to third parties both within or outside Kern County. This additional supply was added by CLWA to the updated water supply/demand tables to reflect current information (see **Tables 4.10-11 through 4.10-14**).

...

The Newhall Land and Farming Company has entered into an agreement to reserve and purchase water storage capacity of up to 55,000 af in the Semitropic Water Storage District Groundwater Banking Project (Newhall Ranch Revised Additional Analysis [Volume VIII, May 2003]). Sources of water that could be stored include, but are not limited to, the Nickel Water. The stored water could be extracted in dry years in amounts up to 4,950 afy. There is 18,828 af of water stored in the Semitropic Groundwater Storage Bank by the Specific Plan applicant for the Specific Plan. Newhall Ranch is located within the CLWA service area. Delivery of stored water from the Newhall Semitropic Groundwater Bank requires further agreements between CLWA and the Specific Plan applicant. However, the Nickel water would only be needed on the Specific Plan site in years when all of the Newhall agricultural water has been used, which is estimated to occur after the 21st year of project construction. As a result, there is more than ample time for CLWA and the applicant to arrive at the necessary delivery arrangements and related agreements." (Ibid., p. 4.10-93-94.)

Appendix F4.10 of the Landmark Village Revised Final EIR presents a letter from the Semitropic Water Storage District to the applicant (Newhall), stating that Newhall Land's stored water account balance was 23,167 acre-feet as of December 31, 2010.

Based on the alternative available supply sources for the Specific Plan's potable demand, including Nickel water, the Landmark Village Recirculated Draft EIR determined that:

"Section 2.5 of the Newhall Ranch Revised Additional Analysis, Volume VIII (May 2003), identified and analyzed the existing conditions, potential impacts, and mitigation measures associated with supplying water to the entire Newhall Ranch Specific Plan (see

Recirculated Draft EIR **Appendix 4.10** [Newhall Ranch Revised Additional Analysis, Vol. VIII (May 2003)]. This prior analysis found that an adequate supply of water exists to meet the demands of both the Specific Plan and cumulative development without creating any significant water-related impacts. Based on the prior analysis, and the adopted Specific Plan mitigation measures, all water-related impacts were found to be less than significant.” (Ibid., p. 4.10-9.)

The Landmark Village Recirculated Draft EIR’s water demand and supply analysis was based on the Newhall Ranch Revised Additional Analysis, Vol. VIII (May 2003), Section 2.5, Water Resources, which was one of the documents incorporated by reference in the Landmark Village Recirculated Draft EIR. (See, Landmark Village Recirculated Draft EIR, p. 4.10-9.)³ Other pertinent documents incorporated by reference in the Landmark Village Recirculated Draft EIR include the Nickel water contract and prior environmental documentation. (Landmark Village Recirculated Draft EIR, p. 4.10-14; see Newhall Ranch Revised Draft Additional Analysis, Volume VI (November 2002), Appendix 2.5(b), (c).)

Specifically, the Newhall Ranch Revised Additional Analysis provided the following overview of the Newhall Ranch Specific Plan’s water supply and demand, including the Nickel water supply source:

“The second source is the applicant’s purchase of water from Nickel Family LLC in Kern County (the “Nickel Water”). Because these two independent primary water sources meet the potable water needs of the Specific Plan, no potable water would be needed from State Water Project (SWP) and Castaic Lake Water Agency (CLWA) supplies. . . .

The Nickel Water consists of 1,607 acre-feet per year (AFY) of water purchased by the applicant from Nickel Family LLC. This water is 100 percent reliable on a year-to-year basis, and not subject to the annual fluctuations that can occur in dry year conditions. Pursuant to Nickel’s contract water rights, the water delivered to Nickel for sale to Newhall must be high quality water, acceptable for delivery into the California aqueduct. In addition, delivery of the water to Nickel being sold to Newhall is mandatory, unaffected by annual hydrologic conditions. Consequently, the Nickel Water is not subject to unpredictable reductions in quality or quantity typical of other water sources. These characteristics make the Nickel Water a dependable water supply source. See, **Section 2.5.5.3**, Newhall Ranch Water Supplies, for additional information. The water would be delivered through the Kern County Water Agency and the State Water Project (SWP) system. The Nickel Water would only be needed on the Specific Plan site in years when all of the Newhall Agricultural Water has been used, which is estimated to occur after the 20th year of project construction. Up to that point in time, the unused Nickel Water would be available for storage in groundwater banking programs on an annual

³ The Newhall Ranch Revised Additional Analysis was challenged in court, but was upheld at trial, and the parties ultimately settled the pending appeal in *United Water Conservation District v. County of Los Angeles, et al.*, Case No. 239324-RDR [Consolidated with Case Nos. 239325, 239326, and 239327-RDR], 5th Civil No. F044638. A copy of the "Notice of Settlement and Dismissal of Appeal," effective March 29, 2004, is found in **Appendix F4.10** of the Landmark Village Revised Final EIR.

basis, which would then be used as a dry year supplemental supply.” (Newhall Ranch Revised Additional Analysis (May 2003), p. 2.5-2.)

In Section 2.5.5.3, the Newhall Ranch Revised Additional Analysis provided further information concerning the Specific Plan’s Nickel water supply source. On page 2.5-141, the Newhall Ranch Revised Additional Analysis stated that the Nickel water is part of a 10,000 acre-foot quantity of annual water supply that the Nickel Family LLC obtained from Kern County Water Agency (KCWA) in 2001 pursuant to an agreement between Nickel, KCWA, and Olcese Water District (Olcese). This section further stated:

“Under that agreement, Nickel has the right to sell the 10,000 AFY to third parties both within or outside Kern County. *See, Appendix 2.5 for copies of the applicable agreements and attachments to the agreements.* Because it is not subject to reductions in dry years, the Nickel water is an extremely reliable water supply source for the Specific Plan. *The water would be delivered through the Kern County Water Agency and the SWP system.* [Footnote omitted.] *A point of delivery agreement between the CLWA and DWR would be required to transmit the water between the KCWA and CLWA service areas.*

As shown in **Table 2.5-33**, the Nickel Water *would only be needed* on the Specific Plan site in years when all of the Newhall Agricultural Water has been used, which is estimated to occur after the 20th year of project construction. Up to that point in time, the unused Nickel Water would be available for storage in groundwater banking programs on an annual basis.

As indicated above, the Newhall Agricultural Water to be used as a potable water source for the Specific Plan (*i.e.*, 7,038 AFY) would be completely committed to the Specific Plan by the 21st buildout year. At that time, approximately 224 of the 1,607 acre-feet per year of Nickel Water purchased by the applicant would be needed to meet the Specific Plan’s potable water demand. By the 25th buildout year, both the Agricultural Water and the Nickel Water would be fully committed to the Specific Plan. When not needed to meet the potable water demand of the Specific Plan (in buildout years 1 through 20), the 1,607 AFY of Nickel Water would be available for storage in groundwater banking programs like the Semitropic Groundwater Bank, in which the applicant has purchased 55,000 AF of storage capacity. At an annual storage rate of 1,607 AF, a total of 35,598 AF of Nickel Water could be stored in groundwater banking facilities by buildout year 24. Thereafter, the stored Nickel Water would be available for use on the Specific Plan site during dry years, thereby avoiding the need for additional primary potable water supplies beyond these sources. At buildout of the Specific Plan, it is expected that approximately 865 AF of water from the Semitropic Groundwater Bank would be needed in a dry year to meet potable demands of the Specific Plan. Dry years are projected to occur once every four years. At this demand rate, the 35,598 AF of Nickel Water in storage would be available to meet this need for over 160 years. . . .

Kern River Restoration Program. Nickel acquired the Nickel water as a result of KCWA’s Kern River Restoration and Water Supply Program (“the Restoration Program”). KCWA proposed the Restoration Program for the overall purpose of generating a broad local water supply, environmental and community benefits and

drinking water benefits within the metropolitan Bakersfield area. The program included four primary components: (i) acquisition of the high flow Kern River Lower Water Right, including associated storage at Lake Isabella; (ii) construction of enough urban area water wells to achieve a target flow capacity in the Kern River; (iii) construction of water quality exchange facilities; and (iv) construction and acquisition of local facilities to enhance groundwater recharge and recovery opportunities. In short, the Restoration Program would allow KCWA to acquire the rights to certain Kern River high flow flood waters and create the physical and regulatory infrastructure necessary to capture and store those flood waters during wet years to provide a reliable water source for urban, agricultural, environmental and recreational uses during dry years. KCWA approved the Restoration Program in September 2000. A copy of the Initial Study and Proposed Negative Declaration for the Restoration Program is incorporated by reference and provided in Appendix 2.5.

The key component of the Restoration Program was the acquisition of the high flow Kern River Lower Water Right, also known as the La Hacienda and Garces pre-1914 water right to the Kern River (“the Water Right”). The Water Right water is estimated to be available when the Kern River is at or above 120 percent of normal runoff, or in about one out of every five years. While the Water Right delivery amounts are highly variable, the long-term average annual yield is estimated at 40,000 AFY. See, Appendix 2.5 for a copy of the Lower Kern River Water Rights agreement.

When the Restoration Program was proposed, three different entities held an interest in the Water Right: (i) Garces Water Company (“Garces”); (ii) Olcese; and (iii) Nickel. [Footnote omitted.] Garces owned an undivided interest in the Water Right. Olcese owned the remaining interest; however, pursuant to a 1981 agreement between Olcese and Nickel’s predecessors in interest, Olcese’s interest in the Water Right was subject to Nickel’s right to use any portion of Olcese’s water that was excess to Olcese’s needs. Consequently, KCWA’s proposal to acquire the Water Right as part of the Restoration Program amounted to a proposal to acquire it from Garces, Olcese and Nickel. Upon approval of the Restoration Program, KCWA acquired all three parties’ interests in the Water Right, acquiring Garces’ interest first and then Olcese’s and Nickel’s.

KCWA acquired both Olcese’s and Nickel’s respective interests in the Water Right pursuant to the “Contract to Transfer the Kern River Lower River Water Rights,” made as of January 23, 2001 (“the Water Right Contract”).

In return for transferring its interest in the Water Right to KCWA, Nickel received a substantial cash payment as well as certain non-cash consideration, including the 10,000 AFY of KCWA water, which Nickel was then free to sell to third parties. The provisions of the Water Right Contract are discussed in greater detail below. [Footnote omitted.]

Water Right Contract. Pursuant to the Water Right Contract, Nickel and Olcese agreed to transfer to KCWA all of their right, title and interest in the Water Right, as more completely described in Exhibit A-1 of the Water Right Contract (See, Appendix 2.5). In return, Nickel and Olcese received cash payments and other consideration. See, Water Right Contract, Sections 4.2, 4.3 and 4.4. As discussed above, Nickel’s non-cash consideration for the transfer included 10,000 AFY of KCWA water at the Tupman

turnout of the California Aqueduct (Reach 13B as illustrated on Figure 2.5-25, State Water Project Reaches). The Water Right Contract identifies that water as the "Agency Transfer Water," and defines it as: "10,000 acre-feet of water annually, to be provided by the Agency to Nickel for delivery and sale to third parties from the California Aqueduct." Ibid. at Sections 1.10 and 4.4. Section 2.1 of the Water Right Contract states that Nickel intends to sell the Agency Transfer Water "both within and outside of Kern County."

Pursuant to the terms of the contract, the 10,000 AFY delivered to Nickel must be high quality water, acceptable for delivery into the California aqueduct. Ibid. at Section 4.6. In addition, delivery of the entire 10,000 AFY to Nickel is mandatory, unaffected by annual hydrologic conditions. Ibid. at Section 4.4. Consequently, the 10,000 AFY entitlement is not subject to unpredictable reductions in quality or quantity typical of other water sources. These characteristics make the Nickel water a dependable water supply source.

As shown by the definition of "Agency Transfer Water," the parties to the Water Right Contract understood that Nickel would sell the 10,000 AFY to third parties. Other provisions of the contract indicate that Nickel's right to do so is unconditional. For example, Section 4.9 states: "Any sale of the Agency Transfer Water shall be at the sole discretion and direction of Nickel." The contract also confirms that KCWA had a legal right to the Agency Transfer Water and the legal right to exchange the water as provided in the Water Right Contract. Ibid. at Section 7.2(i). In addition, Section 4.9 of the Water Right Contract, "Agency Transfer Water Sales," states that KCWA may assist Nickel in marketing the Agency Transfer Water and that such assistance may include "entering into contracts for the sale of the Agency Transfer Water and efforts to obtain the approval, cooperation and assistance of DWR and the State Water Contractors in obtaining any necessary approvals from regulatory agencies to effect such sales or transfers."

Other provisions of the Water Right Contract further increase the availability and reliability of the Nickel water as a Specific Plan water supply source. Section 4.4 of the contract states that, in delivering the water for Nickel's use, KCWA "shall use its best efforts to obtain and maintain approvals from the DWR for delivery of any Agency Transfer Water into the California Aqueduct, and if such approvals are not obtained after reasonable efforts the parties shall, in good faith, negotiate alternative mechanisms for delivery of Agency Transfer Water." Section 4.7 states: "The ten thousand (10,000) acre-feet of Agency Transfer Water provided to Nickel shall be transported within the California Aqueduct to the full extent of the Agency's right to use [the] Aqueduct." And, pursuant to Section 4.8, KCWA agreed to "schedule all Agency Transfer Water deliveries with the DWR at the same time and in the same manner as the Agency schedules deliveries of SWP Entitlement Water to the Agency's Member Units[.]" [Footnote omitted.]

Newhall/Nickel Water Purchase Agreement. The applicant obtained an interest in the Nickel Water pursuant to the "Option and Water Purchase Agreement," executed between the applicant and Nickel in October 2002. A copy of the Water Purchase Agreement is provided in Appendix 2.5 [to the Newhall Ranch Revised Additional Analysis].

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Under the terms of the Water Purchase Agreement, the applicant acquired an option to purchase the use of 1,607 AFY of the 10,000 AFY of water that Nickel obtained from KCWA. The applicant has exclusive use of the 1,607 AFY of water on an annual basis for an initial term of 35 years. After the first 35-year term expires, the applicant may extend the term of the Water Purchase Agreement for another 35 years, provided that certain conditions are met. The applicant is obligated to purchase, and Nickel is obligated to sell, the 1,607 AFY of water each year for a purchase price of \$763,245 for the first annual delivery of the Nickel water, with purchase price increases each subsequent year by a set multiplier based on the price in effect the previous year.

The terms of the Water Purchase Agreement also require that Nickel will make the Nickel water available to the applicant at the Tupman turnout, as defined in the KCWA Agreement. *Nickel and the applicant have also agreed to jointly request that KCWA and CLWA enter into a "point of delivery" agreement with DWR approving delivery of a portion of KCWA's SWP Table A water entitlement, used as SWP exchange water, to CLWA so that the Nickel water can be delivered to CLWA for the entire 35-year term.*

In addition, Nickel has agreed to cooperate with the applicant in obtaining any other necessary approvals for the transfer of the Nickel water for use by the applicant. Nickel has further acknowledged that the applicant intends to use the Nickel water on the applicant's property within the CLWA and/or Valencia Water Company service areas." (Newhall Ranch Revised Additional Analysis (May 2003), pp. 2.5-141-2.5-147, italics added.)

In addition, the previously certified Newhall Ranch Revised Additional Analysis assessed the impacts of Nickel water use on the Specific Plan site. Specifically, the Newhall Ranch Revised Additional Analysis found that, from an environmental perspective, the Nickel water transfer (1,607 afy) would not require the construction of any new SWP facilities, or the construction or improvement of any new or existing water facilities or infrastructure; the analysis acknowledged, however, that use of the Nickel water would facilitate the phased development of the Specific Plan, the growth of which was addressed in the certified Newhall Ranch environmental documentation. (See, Newhall Ranch Revised Additional Analysis (May 2003), p. 2.5-196.) The Newhall Ranch Revised Additional Analysis also evaluated other environmental issues associated with the use of Nickel water, including the capability to deliver the water to Santa Clarita Valley, the quality of the water, and impacts to sensitive biological resources:

"A report entitled, Evaluation of Available Capacity in the California Aqueduct from Reach 10A to Reach 30 (November 23, 2002), has been prepared by Provost & Pritchard Engineering Group, Inc. to evaluate the ability of the existing California Aqueduct and associated facilities to convey the 1,607 AFY from areas in Kern County (Aqueduct Reach 10A) to CLWA at Castaic Lake (Aqueduct Reach 30) through the year 2035. As stated in the report, sufficient capacity in the Aqueduct is available to convey an additional 1,607 AFY of water from Kern County (Reach 10A) to Castaic Lake (Reach 30).

In perspective, 1,607 AFY equates to 8.8 cfs flowing for 3 months per year (or 2.2 cfs flowing throughout the year), assuming an Aqueduct conveyance system with an

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operational capacity range of 1,680 to 6,350 cfs and a storage capacity of 540,520 AF [footnote omitted] within these two reaches. The needed 2.2 cfs of capacity represents just 0.13 percent of the total capacity at the low end of the range and 0.03 percent at the high end of the range. Because this water is a stable source, a very small amount, and could be transferred at anytime during the year, the needed capacity would be available during off-peak periods when the full capacity of the SWP system is not in use. A copy of the Provost & Pritchard report is provided in Appendix 2.5.

The proposed use of Nickel Water would not involve the conversion of any land uses within the CLWA service area. The increased supply of water would also reduce future potential impacts to local groundwater supplies in Santa Clarita Valley. However, the use of Nickel Water in the CLWA service area would be utilized to support phased development of the Newhall Ranch Specific Plan. Therefore, the proposed use of the Nickel Water would facilitate development of the Specific Plan, which would result in the environmental effects previously assessed in the partially certified Newhall Ranch Final EIR (SCH No. 95011015).

Like CLWA's SWP Table A water entitlement, prior to application and use in the Santa Clarita Valley, the Nickel Water would be treated in water treatment plants operated by CLWA in order to meet or exceed local and regional water quality standards. CLWA is presently in the process of completing the environmental documentation necessary to expand their treatment facilities. Consistent with the information presented below in the Subsection entitled, Potential for Degradation of Water Quality in the Alluvial Aquifer, Saugus Formation, or Santa Clara River, no significant water quality impacts would occur. Furthermore, because the Nickel Water would be transmitted through the existing California Aqueduct and associated facilities (*i.e.*, Aqueduct), the water would take on the same water quality characteristics of SWP water.

With respect to potential impacts to riparian vegetation and sensitive species, which are riparian habitat dependent, the use of the Nickel Water would be considered a beneficial impact given that the water would, after use on Newhall Ranch, slightly increase the quantity of flows in the Santa Clara River (the 1,607 AFY of water represents a small 1.7 percent increase in water importation to the Santa Clarita Valley when compared with CLWA's 95,200 AFY entitlement). This increase in river flow would enhance the ability of the river system to support sensitive habitats and species. Such increases in river flow would also beneficially impact downstream water users in Ventura County by providing downstream water basins with added surface/groundwater supplies. Based on this information, no significant environmental impacts are expected in the Santa Clarita Valley and in areas downstream of the Valley due to the use of the Nickel Water." (Newhall Ranch Revised Additional Analysis (May 2003), pp. 2.5-197-2.5-198, italics added.)

The Newhall Ranch Revised Additional Analysis also assessed the potential environmental impacts on water delivery and treatment capacity through the use of Nickel water on the Specific Plan site. As to these issues, the Newhall Ranch Revised Additional Analysis determined:

“(2) Water Delivery/Capacity -- Nickel Water

As stated above, the project applicant has acquired 1,607 AFY of water from Nickel Water Family LLC. Prior to acquiring the Nickel Water, a report was prepared by Provost & Pritchard Engineering Group, Inc. (*see*, Appendix 2.5) to evaluate the ability of the existing California Aqueduct and associated facilities to convey the 1,607 AFY from areas in Kern County (Aqueduct Reach 10A) to CLWA at Castaic Lake (Aqueduct Reach 30) through the year 2035. As stated in the report, sufficient capacity exists in the California Aqueduct to convey an additional 1,607 AFY of water from Kern County (Reach 10A) to Castaic Lake (Reach 30). . . .

(3) Water Treatment -- Newhall/SWP Water and Nickel Water

Imported SWP water is treated at two water treatment plants owned and operated by CLWA, including the Earl Schmidt Filtration Plant, with a current water capacity of 28 million gallons per day (“mgd”), and the Rio Vista Water Treatment Plant, with a water capacity of 30 mgd. The two plants have a current capacity to treat a total of 58 mgd. These plants were designed to accommodate expansion as required. CLWA is currently in the process of expanding the Earl Schmidt plant to increase the plant’s treatment capacity from 28 mgd to a total of 50 mgd. The expanded Schmidt plant is scheduled to be available for use by late-2003. As part of CLWA’s Capital Improvement Plan (“CIP”, herein incorporated by reference), the treatment plants are planned to treat approximately 180 mgd at Valley buildout. CLWA treats the SWP water at its two water filtration plants and then distributes the water to the local retail water purveyors in the Santa Clarita Valley. From CLWA’s two existing plants, the treated SWP water is delivered by gravity to the retail water purveyors through CLWA’s distribution network of pipelines and turnouts.

Based on CLWA’s capabilities, there are no expected significant impacts associated with the delivery and treatment of the Newhall/SWP water or the Nickel Water.” (Newhall Ranch Revised Additional Analysis (May 2003), pp. 2.5-241-2.5-242.)

The expanded Schmidt Plant is now completed and the combined capacity of the two treatment plants is approximately 86 mgd.

Further, the Newhall Ranch Revised Additional Analysis adopted a mitigation measure specific to the Specific Plan’s Nickel water supply source. Specific Plan Mitigation Measure 4.11-20 requires that the applicant, or its successors, assign the acquired Nickel water rights to Valencia Water Company or CLWA, and, in consultation with those agencies, the applicant must ensure that the Nickel water is delivered to the appropriate place of use necessary to serve the Specific Plan at the time of need - - with the Valencia Water Company, CLWA, or a designee, taking delivery of the Nickel water, so that such water will be used, or stored for use, for the Specific Plan in future years. The mitigation also addressed the term of the Nickel water agreement. Specific Plan Mitigation Measure 4.11-20 provides as follows:

“The Specific Plan applicant, or its successors, shall assign its acquired Nickel Water rights to the Valencia Water Company or Castaic Lake Water Agency (CLWA), and, in consultation with the Valencia Water Company, CLWA or their designee(s), the applicant shall ensure that the Nickel Water is delivered to the appropriate place of use necessary to serve the Newhall Ranch Specific Plan at the time of need, as determined by the County of Los Angeles through required SB221 and/or SB610 analyses for future subdivision map applications. Upon approval of the Specific Plan, the applicant, Valencia Water Company, CLWA or a designee, will take delivery of the Nickel Water, so that such water will be used, or stored for use, for the Specific Plan in future years.

To ensure that an adequate supply of water is available for the Specific Plan over the long-term, the decision of whether or not the Nickel Water agreement should be extended or otherwise canceled cannot occur without first obtaining CLWA’s concurrence. If the applicant, or its designee, seeks to not extend the Nickel Water agreement beyond its initial 35-year term, or seeks to cancel said agreement prior to the expiration of its initial 35-year period, or the expiration of the 35-year option period, if exercised, then the applicant, or its designee, must obtain CLWA’s written concurrence and that concurrence must include findings to the effect that other equivalent water supplies are available at a comparable cost and that non-extension or cancellation of the agreement will not impact the water supplies of Newhall Ranch and the rest of the Santa Clarita Valley.” (Newhall Ranch Revised Additional Analysis (May 2003), Mitigation Measure 4.11-20, pp. 2.5-246-2.5-247.)

This mitigation measure was incorporated into the Landmark Village Recirculated Draft EIR at pages 4.10-146 through 4.10-147, with the following caveat: *“This measure is not applicable to the Landmark Village project, because Newhall’s Nickel Water rights are not needed at this time to satisfy the water demand of the project or cumulative development in the Santa Clarita Valley. However, as stated above, the applicant has stored Nickel Water in the Semitropic Groundwater Bank, and will continue to do so in future years.”*

Based on the above analysis, the Los Angeles County Board of Supervisors determined that “adequate water supplies are available for buildout of the Newhall Ranch Specific Plan,” without creating significant water-related impacts on site, in the Santa Clarita Valley, or downstream in Ventura County. (Newhall Ranch Additional Analysis (May 2003), p. 2.5-247.) This determination was supported by the information and analysis presented in the previously certified Newhall Ranch Revised Additional Analysis (May 2003), which was incorporated by reference in the Landmark Village Recirculated Draft EIR.

Transfer of Nickel Water to the Newhall Ranch Specific Plan Area

Although the environmental effects of the Specific Plan’s use of the Nickel water source have been analyzed, comments received on the Landmark Village Recirculated Draft EIR state, generally, that the purchase of Nickel water by the applicant (Newhall) should not be allowed while shortages are in effect

elsewhere in California. As stated above, the applicant already has secured water under contract with the Nickel Family LLC in Kern County, and no known limitations have been, or can be, placed on this purchase based on the state of water supplies locally or regionally throughout California. The Nickel water supply sources are considered 100 percent reliable on a year-to-year basis and are not subject to the annual fluctuations that can occur in dry year conditions. The Nickel water is part of a 10,000 acre-foot quantity of annual water supply that Nickel obtained from KCWA in 2001 pursuant to an agreement between Nickel, KCWA and Olcese. As part of the purchase, and as outlined in the supporting contractual documents: (a) Nickel can sell its water to third parties both within or outside Kern County; (b) the water will be transported in the California Aqueduct to the full extent of the KCWA's right to use the Aqueduct; and (c) KCWA agreed to schedule deliveries with DWR at the same time and in the same manner as KCWA schedules deliveries of its SWP water to KCWA's Member Units. Therefore, there is no compelling reason to stay, invalidate, or prohibit the purchase of Nickel water by the applicant, nor would such a prohibition be within the authority or jurisdiction of the County.

California Aqueduct Availability

Comments also state that the California Aqueduct, a public facility, cannot be used to transmit the Nickel water because DWR would not allow such an agreement (*i.e.*, a "wheeling agreement"). As stated above, the Nickel water would be delivered through KCWA to CLWA through the existing California Aqueduct and associated facilities. The use of the California Aqueduct capacity to transport Nickel water was addressed in the Newhall Ranch Revised Additional Analysis, which states that:

"California State Water Code §1810 requires that any available capacity in any water conveyance facility be made available if needed. Specifically, the Code section states '. . . neither the state, nor any regional or local public agency may deny a bona fide transferor of water the use of a water conveyance facility which has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid for that use'" (Newhall Ranch Revised Additional Analysis, Section 2.5, p. 2.5-142.)

This Water Code provision requires that public agencies make available unused conveyance capacity of their facilities, subject to payment of fair compensation and other conditions. The legislative findings adopted when this provision was passed state that: "[i]t is the policy of the state to facilitate the voluntary sale, lease or exchange of water, or water rights in order to promote efficient use." (Wat. Code, § 1810 [Historical and Statutory Notes].) DWR has conveyed non-SWP water for the SWP contractors in SWP facilities prior to the Monterey Amendment when sufficient capacity was available. For example, in 1990, a critically dry year, non-SWP water purchased from Yuba County was transported to three contractors: Tulare Lake Basin Water Storage District, Santa Clara Valley Water District, and Empire West Side Irrigation District. The amounts conveyed using SWP facilities were 31,211 af, 28,962 af, and 2,031 af,

respectively. The Monterey Agreement also allows the conveyance of non-SWP water. Under the Monterey Agreement, Article 12(f) specifically assigns priority to the conveyance of non-SWP through SWP facilities when sufficient capacity is available. As noted in the Landmark Village Recirculated Draft EIR and discussed further above, separate agreements called “point of delivery” agreements would allow conveyance of the Nickel water through SWP facilities (*e.g.*, Tubman turnout, Oso Pumping Plant) to the Semitropic Water Storage District for storage and the conveyance of the stored water from Semitropic to CLWA.

Point of Delivery Agreements

Comments received on the Landmark Village Recirculated Draft EIR state that no agreement exists with DWR to transport the Nickel water to the Specific Plan site. As noted in the Landmark Village Recirculated Draft EIR, separate agreements, called “point of delivery” agreements, will be required to allow conveyance of the Nickel water through SWP facilities (including the Tubman turnout) to the Semitropic Water Storage District for storage, and the conveyance of the stored water from Semitropic to CLWA. The agreements would involve KCWA and CLWA, which control the treatment and conveyance facilities, and DWR, which controls the SWP facilities. (Landmark Village Recirculated Draft EIR, Section 4.10, p. 4.10-93.) The agreements would require separate California Environmental Quality Act (CEQA) compliance by different lead agencies (KCWA/CLWA).

The Nickel water will not need to serve the Specific Plan site until approximately the 20th year of project construction; therefore, a point of delivery agreement between DWR and CLWA is not needed at this time. However, CLWA has successfully negotiated such agreements with DWR in the past, and does not expect any difficulty in obtaining the agreement, when needed, in the future.⁴

Environmental Documentation of the Transfer

Comments received on the Landmark Village Recirculated Draft EIR state that no environmental documentation exists for the transfer of Nickel water to the Newhall Ranch Specific Plan site and, consequently, that the impact of the transfer on other aquifers was not assessed. The Nickel water transfer was evaluated thoroughly in the previously certified Newhall Ranch Revised Additional Analysis (May 2003). As indicated in that analysis and above, Nickel acquired the Nickel water as a result of KCWA’s Restoration Program, which was approved by KCWA in September 2000. As part of the approved Restoration Program and the supporting contractual documents, the Nickel water will be transported in the California Aqueduct to the full extent of the KCWA’s right to use the Aqueduct; and KCWA agreed to

⁴ Personal communication with Robert DiPrimio, President of Valencia Water Company and Board member of CLWA (January 2010).

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schedule deliveries with DWR at the same time and in the same manner as KCWA schedules deliveries of its SWP water to KCWA's Member Units. A copy of the Initial Study and Negative Declaration prepared for the Restoration Program, dated July 27, 2000, as well as the subsequent Negative Declaration addressing the transfer of water to Nickel, are included in the Newhall Ranch Revised Draft Additional Analysis Volume I (November 2002), Appendix 2.5, which was incorporated by reference in the Landmark Village Recirculated Draft EIR and available for public review at the County of Los Angeles Public Library, Valencia Branch, 23743 West Valencia Boulevard, Santa Clarita, California 91355-2191. This environmental analysis concluded that no significant environmental impacts would occur with respect to the Nickel water source.

In addition, the transfer of the Nickel water to the CLWA service area would not require the construction of any new SWP facilities or the construction or improvement of any other new or existing water facilities or infrastructure. As a result, the use of the Nickel water is not expected to cause any potentially significant impacts to the physical environment in the Santa Clarita Valley. However, as indicated in the Newhall Ranch Revised Additional Analysis, summarized above, the use of the Nickel water would facilitate the phased development of the Newhall Ranch Specific Plan. The growth associated with the Specific Plan was addressed in the previously certified Newhall Ranch environmental documentation, which concluded that the Specific Plan would induce growth with respect to the removal of an impediment to growth and due to the stimulus of economic growth associated with commercial, industrial, and office development. (See Newhall Ranch Specific Plan Program EIR, Section 11.0, Growth Inducing Impacts (SCH No. 1995011015)). This growth also was evaluated as an indirect impact associated with implementation of the Landmark Village project in the Landmark Village Recirculated Draft EIR, Section 7.0, Growth-Inducing Impacts.

New Topical Response 12: Revised Project Design

1. Introduction and Revised Project Design

In response to comments received on the Landmark Village Recirculated Draft EIR (RDEIR) from the California Department of Fish and Game (CDFG), the County has directed the project applicant (Newhall) to submit a revised Vesting Tentative Tract Map (VTTM) that, among other design features, reflects an additional riparian buffer, or setback, that would reduce impacts to sensitive riparian resources within CDFG's jurisdiction. Specific to CDFG's comments, the proposed setback occurs along both the west bank of Castaic Creek between SR-126 and the confluence of Castaic Creek and the Santa Clara River, and along the northern and southern banks of the Santa Clara River. The purpose of this response is to first describe these project refinements and then analyze their environmental effects to determine if they give rise to any new significant environmental impacts or result in a substantial increase in the severity of an environmental impact beyond those already evaluated in the Landmark Village RDEIR (see *State CEQA Guidelines* Section 15088.5).

The County also has asked that the applicant address the potential significant impacts on the environment of constructing and operating interim chloride reduction facilities to further treat Newhall Ranch project wastewater on an interim basis at the Valencia Water Reclamation Plant (WRP), if needed. In response to the County's directive, the applicant has refined the proposed project to accommodate both the revised VTTM and the interim chloride reduction facilities. These refinements, if approved by the County, would comprise the "revised project," which is evaluated further below.

A. Revised Setbacks

While the boundary of the VTTM is unchanged, the revised project and the proposed setback would result in a slightly reduced overall Landmark Village project site from 1,063.2 acres to 1,042.3 acres. The proposed setback would reduce permanent grading impacts by 25.3 acres, and eliminate the majority of the permanent and temporary impacts to CDFG's riparian jurisdiction along the north and south banks of the Santa Clara River, except where critical infrastructure is necessary, such as proposed bridge crossings or where bank protection ties into, or is otherwise constrained by, the location of existing infrastructure (e.g., Long Canyon Road bridge over the Santa Clara River; SR-126 crossings of the lowermost portions of the Castaic Creek and Chiquito Canyon drainages). Under the revised project, the top of bank would be approximately 100 horizontal feet from existing CDFG riparian jurisdiction. As a result of changes on the north and south banks of the river, the span of the Long Canyon Road bridge over the Santa Clara River also would increase by 50 feet, to a total span of 1,050 feet. The linear feet of buried soil cement along portions of the Santa Clara River would be decreased. The revised project also would add 11.9 acres of

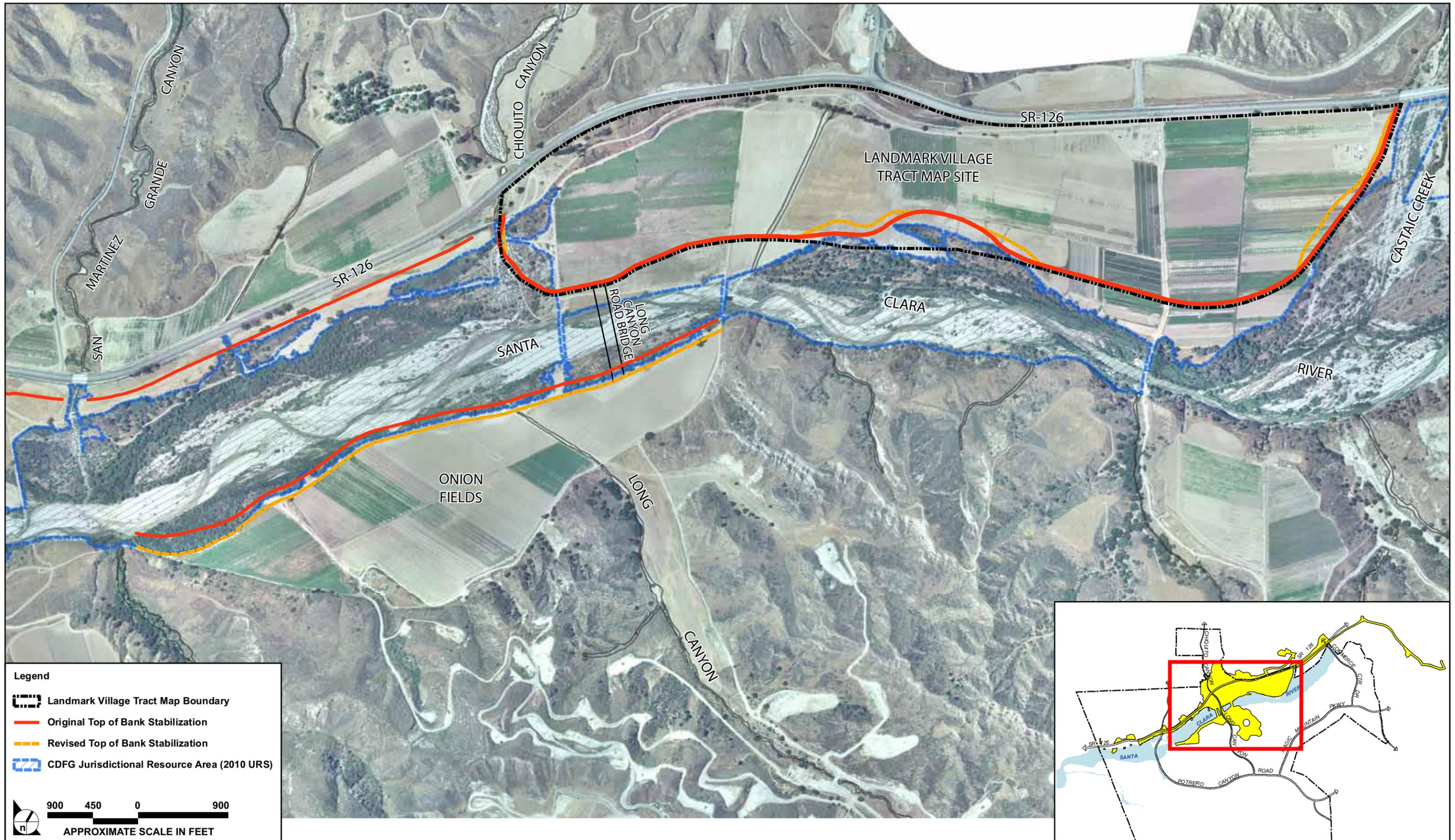
open space to the VTTM site, which represents an 18 percent increase in open space when compared to the proposed project analyzed in the Landmark Village RDEIR.

In response to CDFG's comments and at the County's direction, the revised project does not include any fuel modification zones (FMZs) within CDFG's riparian jurisdiction or buffer areas. Further, the revised project does not include any proposed spineflower preserve areas; therefore, there has been no change or modification to the San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*; spineflower) preserve system design that is reflected in the Final Spineflower Conservation Plan (SCP, Dudek, December 3, 2010).

In addition, also in response to CDFG's comments, the revised project and related grading activities in Adobe Canyon have been modified to avoid impacts to spineflower. Specifically, and at the direction of the County, the spineflower occurrence in Adobe Canyon would be protected by a minimum of 300-foot buffer area until such time as that area is authorized for take as part of CDFG's Incidental Take Permit (ITP) for the spineflower. The County will only approve a Landmark Village proposed project that is consistent with the CDFG-approved Final SCP (Dudek, December 3, 2010).

Table TR12-1, Landmark Village Revised VTTM Statistical Summary, provides a comparison between the original Landmark Village VTTM (the subject of the RDEIR) and the revised VTTM (the subject of this topical response). Revisions to the project are illustrated on **Figure F-1, Revised Project Boundary** and **Figure F-2, Bank Stabilization Additional Avoidance Areas**, below. **Figure F-2** shows the additional setback areas through a comparison of the "Original Top of Bank Stabilization" and the "Revised Top of Bank Stabilization." Implementation of the buried bank stabilization additional avoidance areas results in a slightly reduced overall Landmark Village project site. The revised VTTM is depicted in **Figure F-3, Revised Landmark Vesting Tentative Tract Map**. Key changes to the revised VTTM resulting from refinements made in response to CDFG's comments and at the County's direction are summarized as follows:

- **Development Footprint:** The size of the development footprint on the revised VTTM site would decrease by 16.7 acres (an approximate 7 percent decrease in the development footprint).
- **Bank Stabilization Outlets:** The number of outlets to the Santa Clara River would decrease from 13 to 9.
- **Open Space:** Within the revised VTTM open space component, the total amount of open space would increase from approximately 64.8 to 76.7 acres, for an overall increase of 11.9 acres.



Legend

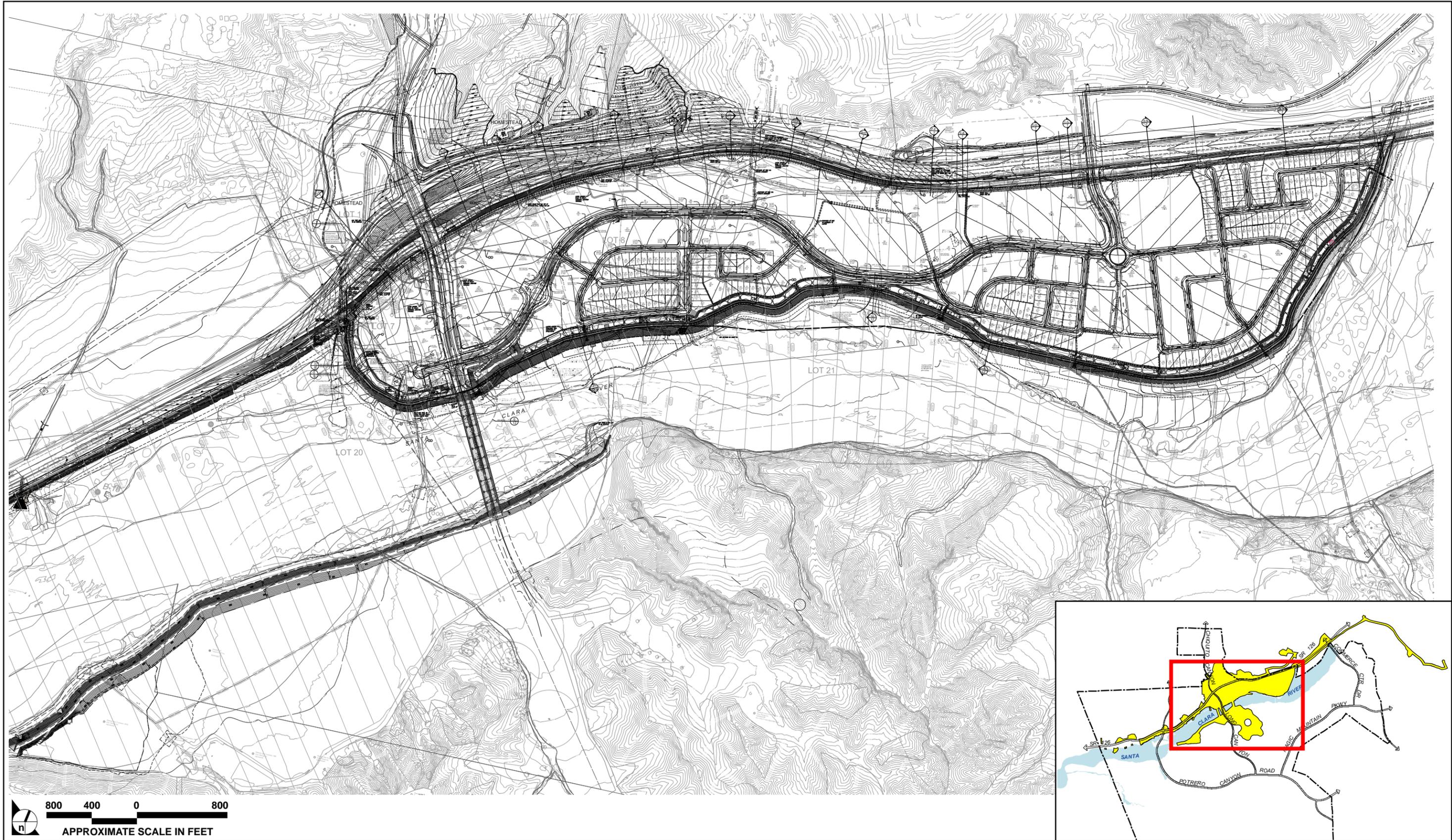
- Landmark Village Tract Map Boundary
- Original Top of Bank Stabilization
- Revised Top of Bank Stabilization
- CDFG Jurisdictional Resource Area (2010 URS)

900 450 0 900
APPROXIMATE SCALE IN FEET

SOURCE: Tract map data provided by Psomas - August 2010
 Graphics prepared by Impact Sciences, Inc. - August 2010

FIGURE **F-2**

Bank Stabilization Additional Avoidance Areas



SOURCE: Tract map data provided by Psomas - August 2010
 Graphics prepared by Impact Sciences, Inc. - August 2010

FIGURE F-3

Revised Landmark Village Vesting Tentative Tract Map

B. Wastewater Plan

Both the Landmark Village RDEIR and the Mission Village Draft EIR described and analyzed each project's wastewater/sewer plan, including the routing of sewer lines and the delivery system to serve each project site within the approved Newhall Ranch Specific Plan. As stated in each EIR, the long-range plan is for the Newhall Ranch WRP to be constructed to serve uses within the Specific Plan area, and the new County sanitation district (i.e., Newhall Ranch Sanitation District or NRSD) has been formed to implement the Newhall Ranch WRP, and to coordinate with the Santa Clarita Valley Sanitation District of Los Angeles County, or SCVSD, with regard to the establishment of the new Newhall Ranch sanitation district and its WRP and sewerage conveyance system. This coordination enables the County to verify that the Newhall Ranch development is consistent with the County's General Plan and Specific Plan buildout requirements. Part of this coordination involved Newhall entering into the Interconnection Agreement, dated January 9, 2002, with the Sanitation District Nos. 26 and 32, later consolidated as the SCVSD.¹

The Interconnection Agreement sets conditions under which the first 6,000 dwelling units in Newhall Ranch may temporarily discharge wastewater to the Valencia WRP. The conditions include payment of the standard SCVSD connection fee (fair share of the cost of the existing infrastructure) and transfer of title of the 22-acre Newhall Ranch WRP site to the NRSD. Newhall Ranch residents also would pay the SCVSD an annual service charge to cover the full cost of treating their wastewater at the Valencia WRP. Temporary treatment of wastewater at the Valencia WRP would not eliminate the need for the project applicant (Newhall) to construct the Newhall Ranch WRP. Prior to building more than 6,000 dwelling units, Newhall must construct the Newhall Ranch WRP to serve Newhall Ranch development and finance the new sewerage system. In addition, the Valencia WRP has the available capacity for temporary treatment of the Newhall Ranch wastewater (up to 6,000 dwelling units); thus, no negative impact to the CSD's sewerage system is expected.²

The Newhall Ranch Specific Plan Revised Draft EIR (March 1999) and the Revised Additional Analysis (May 2003) evaluated the environmental impacts related to development of the Specific Plan, including construction of the Newhall Ranch WRP to a project level and the new sewerage facilities at a programmatic level to serve the Specific Plan. The County is in the process of completing further CEQA

¹ A copy of the Interconnection Agreement is found in **Appendix F4.11** of the Landmark Village Revised Final EIR.

² Moreover, the environmental implications of the build-out of the Valencia WRP to its capacity were assessed in the SCVSD's certified EIR for the 2015 Santa Clarita Valley Joint Sewerage System Facilities Plan, which is incorporated by reference and available at http://www.lacsd.org/info/publications_n_reports/wastewater_reports/final2015scv/default.asp or upon request to SCVSD.

compliance of the Newhall Ranch wastewater/sewer system at the project level for both Landmark Village and Mission Village in two pending project EIRs. Both the Landmark Village RDEIR and the Mission Village Draft EIR note that the environmental effects of constructing and operating the Newhall Ranch WRP at buildout were evaluated at the project-level in the prior certified Newhall Ranch Specific Plan environmental documentation. Both EIRs have identified options to treat wastewater generated by each project during the interim until the Newhall Ranch WRP is constructed. Specifically, both EIRs identified an option to construct a pump station at each project site where wastewater would be pumped back to the existing Valencia WRP until such time as the first phase of the Newhall Ranch WRP is constructed. (See, e.g., Landmark Village RDEIR, Section 1.0, Project Description, pp. 1.0-78 through 1.0-79 and Figure 1.0-32.)

As part of the project applicant's separate but related Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP) project, Newhall also has committed to constructing and operating, if needed, interim chloride reduction and demineralization facilities (proposed interim chloride facilities) to further treat Newhall Ranch project wastewater, until such time as the first phase of the Newhall Ranch WRP is constructed (i.e., up to 6,000 dwelling units per the terms of the 2002 Interconnection Agreement). The Newhall Ranch RMDP/SCP EIS/EIR, prepared jointly by CDFG and the U.S. Army Corps of Engineers (Corps), evaluated the proposed interim chloride facilities at a program level, stating that the project EIRs for Landmark Village and Mission Village would evaluate such facilities at the project level. This project-level analysis is provided in this topical response.

C. Interim Chloride Reduction and Demineralization Facilities

In response to the County's request, and consistent with the joint Newhall Ranch RMDP/SCP EIS/EIR, the project applicant (Newhall) is to construct proposed interim chloride reduction facilities that would be used to reduce chloride levels of Newhall Ranch's first 6,000 dwelling units of project wastewater by treating it at the Valencia WRP. This treatment would occur until such time as the first phase of the Newhall Ranch WRP is constructed. This interim coordination effort among the project applicant, the County, and SCVSD is consistent with the terms of the 2002 Interconnection Agreement. The chloride reduction would ensure that, during the period project wastewater is treated at the Valencia WRP, approximately 1.6 million gallons per day (mgd) of effluent generated by the first 6,000 dwelling units within Newhall Ranch would be at concentrations below 100 milligrams per liter (mg/L) for chloride prior to discharge to the Santa Clara River.

The proposed interim chloride facilities would be comprised of: (a) a 1.2-acre demineralization facility to be constructed adjacent to the existing Valencia WRP; (b) a 1.6-acre brine disposal well facility located within the Valencia Commerce Center, north of Castaic Creek; and (c) associated lines to and from the

Valencia WRP to be constructed in existing road rights-of-way primarily within the project's utility corridor. **Figure F-1, Project Boundary**, depicts the location of the proposed interim chloride facilities relative to the Landmark Village project boundary.

Purpose. The purpose of the proposed interim chloride facilities would be to initiate chloride treatment of the effluent amount originating from Newhall Ranch (up to 6,000 dwelling units) at the Valencia WRP during the operation period of the 2002 Interconnection Agreement. The result is that the project effluent discharged to the Santa Clara River through the permitted Valencia WRP outfall would result in discharge equivalent to 100 mg/L chloride (or other applicable standard), which is the chloride effluent treatment standard under the Newhall Ranch WRP NPDES permit (NPDES No. CA0064556, Order No. R4-2007-0046). This additional treatment process would remove chloride from the Newhall Ranch effluent at the Valencia WRP, so that the interim chloride reduction would be equivalent to that of the Newhall Ranch WRP under the Newhall Ranch WRP Permit (100 mg/L).

Description of Operations. During the interim period, project effluent would be treated at the Valencia WRP and then piped to the proposed demineralization site adjacent to the Valencia WRP for chloride reduction using reverse osmosis (RO) or an equivalent process. Once the treated effluent is demineralized, it would be piped back to the Valencia WRP, blended with other treated effluent, and made ready for discharge at concentrations below 100 mg/L.

The brine by-product of the chloride reduction process would be piped within the project utility corridor north along The Old Road, west on Henry Mayo Drive, and north on Commerce Center Drive to the brine disposal well facility, which would be located in the Valencia Commerce Center, north of Castaic Creek. The piping north of the utility corridor along Commerce Center Drive also would be installed within existing road rights-of-way. The piping needed to transport effluent from the demineralization facility to the injection wells would be sized to the satisfaction of the SCVSD.

Based on the regional stratigraphy and geology, the target injection zone for the brine would be in the upper Miocene and lower Pliocene Towsley Formation. This target zone is situated significantly below the Underground Source of Drinking Water (USDW), which would ensure that the injected brine would not migrate upward into the USDW. The brine disposal requires separate permitting with the U.S. Environmental Protection Agency (USEPA), Region 9, and the project applicant (Newhall) has submitted a revised Class I non-hazardous Underground Injection Control (UIC) permit application to USEPA for two injection wells to be utilized for disposal of brine for both the proposed interim chloride facilities and the RO system, which is part of the approved and permitted Newhall Ranch WRP.

The demineralization and related brine disposal facilities would be constructed on developed land, disturbed land, and California annual grassland. The demineralization site would be located in an enclosure with a maximum height of 20 feet. Energy usage at this site is estimated at a connected load of 200 horsepower (hp) and a yearly use of 700,000 kilowatts per hour (kWhr) per year for the site. Emergency generators (500 kW) would be required for this facility. Construction would take approximately six months once the pad is in place. Construction equipment would consist of a backhoe for pipe installation and a 5-ton crane for equipment installation.

At the brine disposal facility, it is estimated that the injection wells would require approximately 300 hp per day, but may occasionally run higher to accommodate some increased injection pressures to overcome well inefficiencies or other head losses. Emergency generators (500 kW) would be required for the brine injection system. There are no atmospheric emissions from the wellheads.

For both the below-ground (well drilling and testing) and above-ground (station) facilities combined, construction is estimated to occur over 12-18 months. A drill rig with up to a 120-foot mast plus support vehicles, staging area, and construction trailers would be needed for construction activities.

D. Other Project Refinements

Other refinements resulting from the Landmark Village revised VTTM include the following:

- **Residential:** The total number of residential dwelling units would remain unchanged at 1,444 units. Within the residential project component, however, the number of single-family units would decrease from 308 to 270 units (a reduction of 38 units), the number of multi-family units would increase from 1,080 to 1,105 units (an increase of 25 units), and the number of mixed-use/multi-family units would increase from 56 to 69 units (an increase of 13 units). The range of single-family lot sizes would change from 4,500/5,500/6,000 square feet to 4,500/5,000/5,500 square feet, and the average density of residential development would change as follows: single-family density would increase from 6.3 to 7.3 units per acre (du/acre), multi-family density would decrease from 14.6 to 14.0 du/acre, and mixed-use/multi-family would increase from 9.5 to 18.6 du/acre. Overall, the Landmark Village revised VTTM density would increase from 11.2 to 12.0 du/acre.
- **Mixed-Use/Commercial:** While the total square footage of commercial space would remain unchanged at 1,033,000 square feet, the acres of mixed-use commercial area would decrease from 33.9 to 25.1 acres (a decrease of 8.8 acres, or 26 percent), and the average floor-to-area ratio (FAR) would increase from 0.7 to 0.9 (an increase of 0.2).
- **Elementary School:** The size of the elementary school lot would increase from 9.2 to 9.7 acres (an increase of 0.5 acres).
- **Park Space:** The size of the active public park lot would increase from 9.6 to 9.9 acres (an increase of 0.3 acres). The amount of private passive park space would decrease from 6.3 to 0.6 acres (a decrease of 5.7 acres).

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

- **Recreation Centers:** The size of the 3 recreations centers would increase from 5.2 to 5.8 acres (an increase of 0.6 acres).
- **Open Space:** The amount of open space would increase from 64.8 acres to 76.7 acres (an increase of 11.9 acres).
- **Trailhead:** The size of the trailhead would increase from 0.3 acres to 0.4 acres (an increase of 0.1 acres).
- **Park and Ride:** The size of the park-and-ride lot would decrease from 1.0 to 0.8 acres.³

³ The Landmark Village revised VTTM would not change the size of the proposed fire station lot; it would remain 1.3 acres in size.

Table TR12-1
Landmark Village Revised Vesting Tentative Tract Map Statistical Summary

Land Use	Area (gross acres)		Lots		Lot Sizes or Square Footages		Total Units or Square Footage		Avg. Density (du/acre or FAR)	
	Old	New	Old	New	Old	New	Old	New	Old	New
Residential										
Single-Family	48.7	37.2	308	270	4,500/5,500/ 6,000	4,500/5,000/5,500	308 du	270 du	6.3	7.3
Multi-Family	74.0	78.7	19	15	n/a	n/a	1080 du	1105 du	14.6	14.0
Mixed-Use/Multi-Family	5.9	4.1	2	2	n/a	n/a	56 du	69 du	9.5	18.6
Subtotal	128.6	120.0	329	287			1444 du	1444 du	11.2 average	12.0 average
Mixed-Use/Commercial	33.9	25.1	24	16	n/a	n/a	1,033,000 SF	1,033,000 SF	0.7 FAR	0.9 FAR
Elementary School	9.2	9.7	1	1	n/a	n/a	N/A	N/A	N/A	N/A
Fire Station	1.3	1.3	1	1	n/a	n/a	N/A	N/A	N/A	N/A
Open Space										
Parks										
Public (active)	9.6	9.9	1	1						
Private (passive)	6.3	0.6	1	1						
Recreation Centers	5.2	5.8	3	3						
Open Space	43.4	60	84	106						
Trailhead	0.3	0.4	1	1						
Sub-total	64.8	76.7	90	112						
Park and Ride	1.0	0.8	1	1						
Roads	53.8	59	12	4					N/A	N/A
TOTAL	292.6	292.6	458	422			1444 du 1,033,000 SF	1444 du 1,033,000 SF		
No. of Outlets to River					13	9				

2. Environmental Analysis of the Revised Project

The Landmark Village RDEIR, Section 4.0, Environmental Impact Analysis, analyzed the proposed project's potential significant impacts on the environment, including the project's proposed utility corridor and the two grading/borrow sites. The purpose of this additional environmental analysis is to assess both the project's proposed revisions to the Landmark Village VTTM, which, among other design features, reflects an additional riparian buffer, or setback, to reduce impacts to riparian resources within CDFG's jurisdiction; and the project's proposed interim chloride facilities that would be used to reduce chloride levels of Newhall Ranch project wastewater during the operation period of the 2002 Interconnection Agreement.⁴ This evaluation is conducted below on an environmental category-by-category basis. However, before this specific environmental analysis is conducted, this topical response first evaluates the interim use of the Valencia WRP, taking into account overall environmental and cost considerations. After this overall analysis, found in Subsection a., below, the topical response addresses potential significant impacts by each environmental category in Subsection b., below.

a. Interim Use of the Valencia WRP and Overall Environmental and Cost Considerations

As background, the wastewater generated by the first 6,000 dwelling units of the Newhall Ranch Specific Plan would be treated on an interim basis by the SCVSD at the existing Valencia WRP pursuant to the terms of the Interconnection Agreement. This Agreement was entered into on January 9, 2002, between Newhall and the former Los Angeles County Sanitation District Nos. 26 and 32 (now known as the SCVSD). Pursuant to that Agreement, Newhall and SCVSD currently plan for this wastewater to be treated on an interim basis by the SCVSD at the Valencia WRP, which option was described in the Landmark Village Recirculated Draft EIR, Section 1.0, Project Description, pp. 1.0-78 through 1.0-81; and Section 4.11, Wastewater Disposal, pp. 4.11-8 through 4.11-9.

Comments have questioned Newhall's interim use of the WRP and have expressed a preference that the wastewater be treated at the outset at the Newhall Ranch WRP by the NRSD. Comments have expressed this preference because the Valencia WRP operates under less stringent discharge standards for chloride than the Newhall Ranch WRP, and because the Valencia WRP has received administrative notices of violation from the Regional Water Quality Control Board (RWQCB), stating that SCVSD is out of compliance with its National Pollutant Discharge Elimination System (NPDES) permit requirements.

⁴ Temporary treatment of wastewater at the Valencia WRP would not eliminate the need for the project applicant (Newhall) to construct the Newhall Ranch WRP. Consistent with the 2001 Interconnection Agreement, prior to building more than 6,000 dwelling units within Newhall Ranch, Newhall must construct the first phase of the Newhall Ranch WRP.

In reply to such comments, this topical response will: (a) provide background information regarding the chloride Total Maximum Daily Load (TMDL) governing the Upper Santa Clara River; (b) summarize SCVSD's WRP permitting and operations; (c) assess the Newhall Ranch Specific Plan's interim use of the Valencia WRP; (d) summarize existing chloride concentrations at the Valencia WRP; (e) address cost implications for the interim discharges to the Valencia WRP; and (f) provide a summary of SCVSD's response to the administrative notices of violation from the RWQCB.

Chloride TMDL Background. The RWQCB protects groundwater and surface water quality in the Los Angeles region, including the coastal watersheds of Los Angeles County and Ventura County, along with very small portions of Kern County and Santa Barbara County. The RWQCB adopted chloride objectives for individual reaches of the Santa Clara River as part as the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The chloride objectives were established on what were assumed to be background water conditions at specific locations within the reaches and also protection of the off-stream agricultural beneficial use.

Under section 303(d) of the Clean Water Act, states are required to develop lists of waters that do not meet water quality standards even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that states develop TMDLs for these impaired waters. High levels of chloride in the Santa Clara River have caused listings for impairment, and chloride TMDLs have been developed and adopted into the Basin Plan.

- The RWQCB first adopted a TMDL for chloride in the Upper Santa Clara River in October 2002 (Resolution No. 2002-018). On May 6, 2004, the RWQCB amended the Upper Santa Clara River chloride TMDL to revise the interim wasteload allocations (WLAs) and implementation schedule (Resolution 04-004). The amended TMDL was approved by the State Water Resources Control Board (SWRCB), Office of Administrative Law, and U.S. Environmental Protection Agency (USEPA), and became effective on May 4, 2005.⁵ The chloride TMDL requires that chloride levels in WRP effluent not exceed 100 mg/L. However, at the time the TMDL was adopted, there were key scientific uncertainties regarding the sensitivity of crops to chloride and the complex interactions between surface water and groundwater in the Upper Santa Clara River watershed. The TMDL recognized the possibility of revised chloride water quality objectives (WQO) and included mandatory reconsiderations by the RWQCB to consider Site Specific Objectives (SSO). The TMDL required the County Sanitation Districts to implement special studies and actions to reduce chloride loadings from the Saugus and Valencia WRPs. Please see the Landmark Village Revised Final EIR, **New Topical Response 13: Chloride**, for additional information regarding these studies.

The TMDL special studies were conducted in a facilitated process in which stakeholders participated in scoping and reviewing the studies. This process resulted in an alternative TMDL implementation plan

⁵ The chloride TMDL was approved by the RWQCB, SWRCB, Office of Administrative Law, and USEPA, and became effective on April 6, 2010.

that addresses chloride impairment of surface waters and degradation of groundwater. The alternative plan, known as the Alternative Water Resources Management (AWRM) Plan (also known as the Alternative Compliance Plan or ACP), was first set forth by the Upper Basin water purveyors and United Water Conservation District (UWCD), the management agency for groundwater resources in the Ventura County portions of the Upper Santa Clara River watershed. A GWSI model predicted that the ACP could achieve proposed conditional SSOs for chloride under both drought and non-drought conditions. Please see the Landmark Village Revised Final EIR, **New Topical Response 13: Chloride**, for additional information regarding the ACP.

As noted in the 2010 Urban Water Management Plan (UWMP), as adopted by Castaic Lake Water Agency (CLWA) and Newhall County Water District (NCWD) on June 22, 2011, despite the anticipated success of the ACP:

“Due to ratepayer concerns regarding the perceived high cost of the AWRM Program, the recommended wastewater rate increases to implement AWRM were not approved by the SCVSD Board. In response, SCVSD and the retail water purveyors have been exploring alternative approaches that could result in revisions to the TMDL. These evaluations are ongoing.” (2010 UWMP, p. 4-11.)

The County acknowledges the regional efforts made by RWQCB, SCVSD, and other agencies in responding to chloride concentrations in the Santa Clara River; however, the County considers these regional efforts to be beyond the scope of the project-level EIR for the proposed Landmark Village project. The reason that such issues are beyond the scope of Landmark Village and the related EIR is because the selection of a wastewater treatment plant and the ability of that treatment plant to meet its obligations to discharge water in compliance with Section 402 of the federal Clean Water Act will be determined in an arena separate from the County's consideration of whether to approve the Landmark Village project. Further, the legal framework under section 402 of the Clean Water Act ensures that the entities obligated to provide wastewater treatment (County sanitation districts) will be subject to whatever NPDES permit requirements are necessary to achieve compliance with federal law.

Newhall will meet its obligations under the Los Angeles County-approved Specific Plan to fund required public facilities, including interim wastewater treatment facilities as needed to serve the Newhall Ranch Specific Plan. Regulation under the Clean Water Act, section 402, will ensure that all wastewater generated by the Newhall Ranch Specific Plan will be treated by the County-created sanitation districts that operate publicly owned treatment works (POTWs) under NPDES permits, which are consistent with the Basin Plan and applicable effluent limitations. These NPDES permits protect water quality. Enforcement of the NPDES requirements is not governed by the County's local land use approval process.

Nonetheless, as shown below, the County has made a good-faith effort to respond to the chloride-related comments utilizing the best available information, even though several of the comments address these broader regional chloride reduction efforts underway in the Upper Santa Clara River watershed.

SCVSD's WRP Permitting and Operations. As stated above, comments questioned how the project applicant (Newhall) plans to achieve compliance with the Clean Water Act for the interim treatment of the wastewater from the first 6,000 dwelling units of the Newhall Ranch Specific Plan. In response, the legal obligation to comply with the chloride TMDL lies with the holder of the NPDES permits that authorize surface water discharge to the Santa Clara River, which, in this case, is either SCVSD or NRS. They are the County entities that operate the POTWs, and they are responsible for complying with the NPDES permits and other water quality requirements for the POTWs. If the RWQCB determines that a permit holder is not complying with its permit conditions, it can employ a variety of enforcement tools, including corrective orders and fines. This Clean Water Act section 402 NPDES regulatory process is different from the County's local land use approval process, and the treated effluent from the Newhall Ranch Specific Plan development is governed by independent actions of County-created sanitation districts operating under the separate Clean Water Act section 402 NPDES permit process.

In addition, as discussed below, the SCVSD has made progress, and is continuing to make progress, in improving the chloride water quality discharged to the Santa Clara River since the chloride TMDL was adopted. The SCVSD has proposed a revised ACP that, if approved by the RWQCB, would maintain the chloride water quality objectives of the chloride TMDL.

The SCVSD discharges tertiary-treated wastewater to the Santa Clara River from both the Valencia WRP and the Saugus WRP, pursuant to Order No. R4-2009-0074 and NPDES Permit No. CA0054216 (Valencia WRP) and Order No. R4-2009-0075 and NPDES Permit No. CA0054313 (Saugus WRP), which were adopted by the RWQCB. The Valencia NPDES permit authorizes SCVSD to discharge up to 21.6 mgd of tertiary-treated wastewater from the Valencia WRP. The Saugus NPDES permit authorizes SCVSD to discharge up to 6.5 mgd of tertiary-treated wastewater from the Saugus WRP. Both permits set forth waste discharge requirements, including effluent limits, and a monitoring and reporting program that apply to the discharges of effluent from each facility. This effluent contains chlorides that can degrade water quality and impact beneficial uses of water under the Porter-Cologne Water Quality Control Act (Cal. Water Code, Section 13000, *et seq.*).

Both the Valencia and Saugus WRPs are part of the SCVSD's regional system that receives wastewater from the City of Santa Clarita and unincorporated areas of Los Angeles County. For example, the Valencia WRP serves an estimated population of 162,661.⁶

The SCVSD completed a detailed and comprehensive study of the sources of chloride loading in the Santa Clarita Valley.⁷ Subsequently, the RWQCB and SCVSD staff analyzed chloride sources in the Upper Santa Clara River watershed.⁸ These analyses utilized mass balance techniques to identify and quantify chloride loads from imported water and residential, commercial, industrial, and WRP sources.

These reports found that the chloride in Valencia WRP effluent is comprised of two main sources: (1) chloride present in the potable water supply; and (2) chloride added by residents, businesses, and institutions in the Valencia WRP service area. Potable water in the Santa Clarita Valley is derived from two sources: imported water delivered under the State Water Project (SWP) and local groundwater. The chloride concentration in these two sources varies depending on a number of factors, most notably rainfall patterns. The chloride concentrations in Santa Clarita Valley water supplies that include SWP water are variable. Chloride concentrations in Santa Clarita Valley water supplies ranged from 52 mg/L to 85 mg/L from 2002 to 2010.⁹

As to the chloride added by users, this load can be further divided into two parts: brine discharge from self-regenerating water softeners (SRWS) and all other loads added by users. Excluding chloride concentration in the water supply, non-SRWS sources of chloride include residential, commercial, industrial, infiltration, and wastewater disinfection. Based on the SCVSD's 2002 chloride source study, once this water was delivered to homes and businesses for interior use, the use of SRWS added an additional 78 mg/L of chloride concentration to the water supply before it was disposed of in the sewer for treatment. This high chloride addition suggested that source controls could be a significant means for improving water quality in the Santa Clara River.

Based upon the results of the 2002 study, the SCVSD adopted an ordinance prohibiting the installation and use of new SRWS in 2003. Further, SCVSD implemented Automatic Softener Rebate Programs in

⁶ Los Angeles RWQCB, 2009. Fact Sheet for Order No. R4-2009-0074 (NPDES No. CA0054216), Waste Discharge Requirements for the Santa Clarita Valley Sanitation District of Los Angeles County, Valencia WRP Discharge to Santa Clara River.

⁷ Sanitation Districts of Los Angeles County, *Santa Clarita Valley Joint Sewerage System Chloride Source Report*, October 2002.

⁸ Los Angeles RWQCB, 2008. Upper Santa Clara River Chloride TMDL Reconsideration, Conditional Site Specific Objectives for Chloride, and Interim Wasteload Allocations for Sulfate and Total Dissolved Solids Staff Report. November 24, 2008.

⁹ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, Table 3.9-2, p. 3-21.

2005 (Phase I) and 2007 (Phase II), followed by the 2009 Ordinance that required removal and disposal of all SRWS installed in the SCVSD's service area. These efforts have resulted in significant reduction of chloride generated by SRWS. Based on the SCVSD's "2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan," (November 2010), concentration of chloride produced by SRWS was 6 mg/L in the SCVSD final effluent in the first half of 2010. SCVSD's goal is to completely eliminate SRWS from the SCVSD's service area.

Recently, however, Ventura County, Ventura County Agricultural Water Quality Coalition, and UWCD have expressed concerns to the RWQCB over a perceived lack of progress by the SCVSD for compliance with the chloride TMDL. The SCVSD has responded to those claims by letter to the RWQCB, dated May 9, 2011. A summary of the SCVSD's May 9, 2011 letter to the RWQCB, which provides responsive information concerning the SCVSD's compliance with the chloride TMDL and sets forth the SCVSD's progress to date since the chloride TMDL was adopted, is provided in the Landmark Village Revised Final EIR, **New Topical Response 13: Chloride**. The letter includes estimates and time frames for completion of the work necessary in devising a revised ACP; these efforts are ongoing. The RWQCB, nonetheless, has issued administrative notices of violation to SCVSD, contending that SCVSD is out of compliance with the requirements established by the adopted NPDES permits by not completing certain scheduled tasks specified in Attachment K to the permits. Both SCVSD and RWQCB have engaged in discussions to resolve the permit compliance issues, and those discussions are ongoing. Additional information regarding SCVSD's response to the RWQCB notices of violation is provided below.

SCVSD's Response to the Administrative Notices of Violation. Comments point out that the RWQCB has issued administrative notices of violation to SCVSD, focusing on the violation regarding the Valencia WRP. In response, as of May 27, 2011, the Los Angeles RWQCB issued administrative notices of violation to SCVSD regarding the Valencia and Saugus WRPs. The RWQCB notified SCVSD by letter that it was out of compliance with the requirements established in Order Nos. R4-2009-0074, R4-2009-0075 for not completing Task 17(a) in Attachment K of the Orders. Task 17(a) requires completion of the Wastewater Facilities Plan and programmatic EIR for facilities to comply with final permit effluent limits for chloride. RWQCB's letters stated that the SCVSD was to respond in writing by June 27, 2011.

On June 27, 2011, the SCVSD responded to the RWQCB. In the response, the SCVSD committed to completing Task 17(a) of the Upper Santa Clara River Chloride TMDL implementation schedule by recommending to its Board of Directors at the next regularly scheduled Board meeting that staff prepare a Wastewater Facilities Plan and EIR for facilities to comply with a final effluent chloride limit of 100 mg/L at the point of discharge and begin design of the facilities. On July 26, 2011, the SCVSD Board of Directors approved the staff recommendation authorizing preparation of the Wastewater Facilities Plan,

EIR, and design of such facilities as it relates to compliance with the final effluent chloride objective of 100 mg/L at the Saugus and Valencia WRPs.

As part of the Wastewater Facilities Plan and EIR, SCVSD also intends to address an alternative compliance approach that responds to changed chloride conditions as of 2011, which would fully protect all designated beneficial uses in the Santa Clara River watershed. The SCVSD believes that these changed conditions will show that it is more environmentally and economically sound to implement an alternative compliance approach, rather than an advanced treatment approach, in meeting a 100 mg/L final effluent limit. As part of this effort, the SCVSD also intends to perform the modeling and scientific and technical studies necessary to demonstrate the adequacy of its alternative compliance approach and to request reopening of the chloride TMDL at a later time based on the modeling in those studies.

In addition, the SCVSD contends that it has not violated California law (Water Code, section 13383) in failing to complete Task 17(a) in Attachment K of the Orders as asserted by RWQCB in the letter notices of violation. Nonetheless, the SCVSD's Board of Directors has committed to initiate efforts to complete a Wastewater Facilities Plan and EIR to comply with a final effluent chloride limit of 100 mg/L, and to begin design of such facilities. The SCVSD also estimates that it will complete the Wastewater Facilities Plan and EIR by December 31, 2012.

The Specific Plan's Interim Use of the Valencia WRP. Comments state that the use of the Valencia WRP for the first 6,000 dwelling units built within the Newhall Ranch Specific Plan area will exacerbate the chloride non-compliance issue, and prevent the project applicant (Newhall) from complying with the Clean Water Act. Comments also challenge the timing of the Newhall Ranch WRP construction, stating that the Newhall Ranch Specific Plan certified EIR and Specific Plan did not contemplate utilizing the Valencia WRP for the first 6,000 dwelling units within Newhall Ranch.

In response, at buildout, the Newhall Ranch Specific Plan was designed to send its wastewater to the Newhall WRP. However, Newhall and the Sanitation Districts Nos. 26 and 32 (later consolidated as the SCVSD) entered into an Interconnection Agreement, dated January 9, 2002, which sets conditions under which the first 6,000 dwelling units within the Specific Plan area may temporarily discharge wastewater (up to 1.6 mgd) to SCVSD's Valencia WRP. Newhall remains obligated to fund and construct the Newhall Ranch WRP for ultimate buildout of the Specific Plan. However, practical, technical, and economic reasons support this phasing for wastewater treatment, in coordination with the SCVSD.

From an environmental perspective, the Sanitation Districts Nos. 26 and 32 approved the Interconnection Agreement in duly noticed public meetings, and it has been referenced in subsequent official documents, including Los Angeles County and LAFCO resolutions supporting formation of the NRSD. Most recently,

the County's January 2011 Resolution confirmed the formation of the NRSD. In doing so, the County's Board of Supervisors found that formation of the NRSD was within the scope of the previously certified 1999/2003 Newhall Ranch EIR, as well as the Addendum certified by the Board on December 13, 2005. The Board specifically referenced the Interconnection Agreement as allowing wastewater for up to 6,000 dwelling units to be treated at the existing Valencia WRP as needed prior to construction of the Newhall WRP. The Board further found that the SCVSD had sufficient capacity to accommodate the interim use of its facilities. The time for challenging both the formation of the NRSD and its associated CEQA compliance has since expired.

Moreover, the cost and environmental ramifications associated with the Valencia WRP's temporary treatment of wastewater generated by the first 6,000 dwelling units constructed within the Specific Plan area were addressed by the SCVSD's detailed memorandum, dated March 8, 2011, regarding this subject. As provided in that memorandum, the "Newhall Ranch wastewater . . . would neither add to nor alleviate the SCVSD's financial burden to comply with the Chloride TMDL." (Memorandum, p. 2.)

As stated in the SCVSD's March 8, 2011 memorandum, the temporary use of the Valencia WRP for treatment of Newhall Ranch wastewater does not eliminate the Specific Plan requirement for the project applicant (Newhall) to construct the Newhall Ranch WRP and to finance the new sewerage system within the Specific Plan area. According to the memorandum, the developer (Newhall) must construct the Newhall Ranch WRP per the Specific Plan, and must have it operating properly before the next phase after Landmark Village and Mission Village (up to 6,000 dwelling units).¹⁰

Summary of Existing Chloride Concentrations at the Valencia WRP. In response to comments stating the interim use of the Valencia WRP for the first 6,000 dwelling units built within the Newhall Ranch Specific Plan will "exacerbate" the chloride non-compliance issues pending with the RWQCB, the SCVSD does not concur with such comments. Based on the best available information from SCVSD: (a) under the NPDES permits for the Valencia and Saugus WRPs, SCVSD is the entity responsible for compliance with the chloride TMDL, not the project applicant (Newhall); and (b) as explained below, the existing Santa Clarita Valley communities and Newhall Ranch are expected to produce similar chloride concentrations due to use and similar overall wastewater chloride concentrations, and since final compliance will be determined by concentration, the addition of Newhall Ranch wastewater to the Valencia WRP would neither add to nor alleviate the SCVSD's burden to comply with the chloride TMDL.

¹⁰ Please refer to SCVSD's March 8, 2011 memorandum for additional responsive and relevant information on this subject, which is incorporated by reference and available for public review upon request to the County's Department of Regional Planning.

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

Based on the best available information, the SCVSD has completed a detailed and comprehensive study of the sources of chloride loading in the Santa Clarita Valley.¹¹ Subsequently, the RWQCB and County Sanitation Districts staff analyzed chloride sources in the Upper Santa Clara River watershed.¹² These analyses utilized mass balance techniques to identify and quantify chloride loads from imported water and residential, commercial, industrial, and WRP sources.

The Newhall Ranch Landmark Village and Mission Village projects are expected to produce wastewater chloride concentrations similar to those in the existing SCVSD service area. The Landmark Village and Mission Village projects will not use SWP water, but will be supplied with local groundwater from the Alluvial aquifer with an average chloride concentration of 82 mg/L (concentrations ranging from 74 to 96 mg/L have been measured in E Wells),¹³ similar to the chloride concentrations in Santa Clarita Valley water supplies from 2002 to 2010.

As described in the Landmark Village RDEIR, Section 4.10, Water Service, the project potable water demand would be met by the Valencia Water Company through the use of Newhall's rights to 7,038 acre-feet per year (afy) of groundwater from the Alluvial aquifer, which is presently used by Newhall for agricultural irrigation. In addition, due to project conditions, the amount of groundwater that will be used to meet the potable demands of the Newhall Ranch Specific Plan, including the Landmark Village and Mission Village projects, cannot exceed the amount of water historically and presently used by Newhall for agricultural uses. Therefore, no net increase in groundwater use will occur with implementation of this project pursuant to the Specific Plan.

If the Newhall Ranch WRP is not operating at the time of Landmark Village and Mission Village project occupancy, their non-potable water demand would be met through the use of recycled water from the Valencia WRP. Accordingly, the two proposed projects' water demand would be met by relying on two primary sources of water supply, namely, Newhall's agricultural water supplies and recycled water supplied by the Newhall Ranch WRP or the existing Valencia WRP. Because these two independent water sources meet the water needs of the proposed project, no potable water would be needed from the existing or planned water supplies of CLWA, including imported water from CLWA's SWP supplies.

Furthermore, Newhall is conditioned to prohibit "self-regenerating water softeners" in Newhall Ranch and SCVSD staff will recommend that the newly formed NRSD enact a ban similar to the water softener

¹¹ Sanitation Districts of Los Angeles County, *Santa Clarita Valley Joint Sewerage System Chloride Source Report*, October 2002. The year 2001 was used as a basis for the study.

¹² Los Angeles RWQCB, 2008. Upper Santa Clara River Chloride TMDL Reconsideration, Conditional Site Specific Objectives for Chloride, and Interim Wasteload Allocations for Sulfate and Total Dissolved Solids Staff Report. November 24, 2008.

¹³ Mission Village Draft EIR, Appendix 4.8 and Appendix 4.10.

ban in Santa Clarita Valley. Thus, this significant source of chloride will not be present in the wastewater from the Landmark Village and Mission Village projects.

As shown in the Landmark Village Revised Final EIR, residential land uses will generate about 73 percent of the total wastewater generated and commercial land uses would generate the remaining 27 percent.¹⁴ Based on the chloride concentrations identified in the *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, the overall chloride concentration in the Landmark Village and Mission Village wastewater can be calculated as: (percent residential wastewater generated multiplied by residential concentration) + (percent commercial wastewater generation multiplied by commercial concentration) = total chloride concentration. The average chloride concentration in the Landmark Village project's groundwater supply is approximately 82 mg/L,¹⁵ the non-SRWS residential chloride concentration is 31 mg/L above water supply concentration, and the commercial concentration accounts for 33 mg/L above the water supply concentration.¹⁶ Given these parameters, the concentration of chloride in the Landmark Village and Mission Village interim wastewater discharges to the Valencia WRP would be about 113 mg/L.¹⁷ After consideration of the chloride concentration attributable to disinfection practices at the Valencia WRP (12 mg/L),¹⁸ the Valencia WRP effluent concentration of treated Landmark Village and Mission Village wastewater would be approximately 125 mg/L.

In comparison, the average Valencia WRP effluent chloride concentration from 2000 through 2010 was 159 mg/L, with a maximum of 195 mg/L in 2003 and minimum of 128 mg/L in 2010.¹⁹ Thus, the interim discharge of wastewater from the Valencia WRP due to the Landmark Village and Mission Village projects' wastewater would have similar chloride concentrations (assuming complete elimination of SRWS from SCVSD's service area), or would lower chloride concentrations in discharges from the Valencia WRP (if SRWS are not completely eliminated).

Thus, the interim discharge of wastewater from the Valencia WRP due to the Landmark Village and Mission Village projects' wastewater would have a less than significant impact on chloride in the Santa Clara River, because: (a) the discharge of wastewater from the Valencia WRP has been demonstrated to be similar as between the Landmark Village and Mission Village projects' wastewater and the wastewater

¹⁴ See, specifically, the Landmark Village Final EIR, **Topical Response 13: Chloride**.

¹⁵ Mission Village Draft EIR, Appendix 4.8 and Appendix 4.10.

¹⁶ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, pg. 3-14.

¹⁷ $[0.76*(82+31)] + [0.24*(82+33)] = 113.0$ mg/L chloride

¹⁸ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, Table 3.9-2, pg. 3-21.

¹⁹ Data provided by SCVSD.

from existing Santa Clarita Valley communities; (b) the use of the Valencia WRP for treatment of Landmark Village and Mission Village wastewater (*i.e.*, first 6,000 dwelling units) would be temporary until construction of the first phase of the Newhall Ranch WRP; and (c) the Valencia WRP has sufficient capacity to accommodate the interim wastewater discharge from the first 6,000 dwelling units from Newhall Ranch's Landmark Village and Mission Village projects (see below).

The Interconnection Agreement between SCVSD and Newhall allows for interim wastewater discharges from up to 6,000 dwelling units from the Newhall Ranch projects, which is equivalent to about 1.6 million gallons per day (mgd). Mission Village is projected to produce about 1 mgd and Landmark Village is projected to produce about 0.3 mgd, for a total of approximately 1.3 mgd, in the interim period before the first phase of the Newhall WRP is built. The Valencia WRP treated approximately 15 mgd in 2010 and currently has a capacity of 21.6 mgd (yielding 6.6 mgd of surplus capacity).²⁰ Thus, the Valencia WRP has sufficient capacity to accommodate the interim processing of up to 1.6 mgd as outlined in the Interconnection Agreement.

The design capacity and expectations for future expansion are based on studies of regional growth conducted by the SCVSD. Connection permits are only issued if there is sufficient collection and treatment capacity. The SCVSD²¹ routinely monitors system capacity and anticipated development to ensure sufficient capacity for approved developments. According to recent SCVSD flow projections based on Southern California Association of Governments (SCAG) Regional Transportation Plan, 2008, the previously approved Stage VI expansion at the Valencia WRP is not expected to be needed until approximately 2021 and the site buildout capacity of 34.2 mgd is not expected to be reached until approximately 2033.²² However, because Landmark Village and Mission Village wastewater will ultimately be treated at the Newhall Ranch WRP, the project is expected to have a less than significant impact on future expansion of SCVSD facilities.

The Valencia WRP currently delivers approximately 400 acre-feet per year of recycled water to the Valencia Water Company that is used by its customers for irrigation of the Westridge Golf Course, and slopes and parkway medians. The Landmark Village and Mission Village projects will also utilize recycled water from the Valencia WRP for landscape irrigation until the Newhall WRP is operational. The combined Landmark Village and Mission Village projects recycled water demand is projected to be 1,579

²⁰ See, e.g., Comment letter on the Mission Village (TTM 061105) Draft EIR from the County Sanitation Districts of Los Angeles County, dated November 17, 2010.

²¹ SCVSD is a member of the Sanitation Districts and is the wastewater service provider for the City of Santa Clarita and some surrounding unincorporated county areas. SCVSD operates the Valencia WRP.

²² Comment letter on the Mission Village (TTM 061105) Draft EIR from the County Sanitation Districts of Los Angeles County, dated November 17, 2010.

afy, in comparison to the combined wastewater generation rate of 1,456 afy (1.3 mgd), a surplus demand of approximately 123 afy. The use of Valencia WRP effluent for irrigation will reduce the amount of groundwater pumping required for water supply in addition to reducing the quantity of Valencia WRP discharges to the Santa Clara River.

Cost Implications for Interim Discharges to the Valencia WRP. Comments have questioned the costs of water infrastructure and the wastewater treatment process. While it is correct that the project applicant (Newhall) will fund these required services, the Landmark Village RDEIR is not the forum for addressing such costs. The provision for the funding of these services does not itself create the prospect of a physical change to the environment and, therefore, is not an effect on the environment requiring analysis under CEQA; consequently, this information is not required under CEQA. However, responsive information is provided below.

When operating at flows equal to or below the permitted plant capacity, compliance with the chloride TMDL will depend on the chloride concentration in the treatment plant effluent. Local groundwater is the planned potable water source for the Specific Plan's Landmark and Mission Villages, the two developments whose wastewater would be temporarily treated at SCVSD's Valencia WRP under the Interconnection Agreement. The groundwater chloride levels for these two communities are similar to that of the groundwater used by existing Santa Clarita Valley communities. Thus, no difference in chloride concentration is expected due to the water supply.

In addition, like the Santa Clarita Valley, Landmark Village and Mission Village will be a mixture of residential and commercial land uses with some industry. Historically, the use of "self-regenerating water softeners," or SRWSs, in the Santa Clarita Valley was a significant chloride source for SCVSD wastewater prior to the ban on SRWS. Since the ban, a significant portion of the SRWS have been removed resulting in a marked drop in chloride levels in the wastewater. SCVSD intends to continue enforcement/removal efforts until essentially all SRWS are removed. Pursuant to Specific Plan Mitigation Measure 5.0-52, Newhall must request that NRSB also ban SRWS within the Newhall Ranch Specific Plan area. SCVSD's staff has confirmed that they will recommend that the NRSB enact a SRWS ban similar to the ban adopted in the SCVSD service area. Consequently, the Landmark Village and Mission Village communities are expected to produce similar overall wastewater chloride concentrations to the chloride concentrations in wastewater from the Santa Clarita Valley. Since final compliance will be determined by concentration, the addition of Newhall Ranch wastewater to the Valencia WRP would not impact the SCVSD's compliance with the chloride TMDL, nor add to the SCVSD's financial burden or cost to comply with the chloride TMDL.

Temporary use of SCVSD's Valencia WRP for treatment of Landmark Village and Mission Village wastewater also does not eliminate the requirement for Newhall or its designee to construct the Newhall Ranch WRP or to finance the new sewerage system within the Specific Plan area. Newhall must construct the Newhall Ranch WRP and have it operational before the next phase after Landmark Village and Mission Village (up to 6,000 dwelling units). Temporary treatment of Landmark Village and Mission Village wastewater at SCVSD's Valencia WRP is a practical engineering decision based on the need to build up an adequate steady flow of wastewater before starting up the Newhall Ranch WRP.

In addition, and as explained in detail in this response, to confirm full and complete compliance with the chloride TMDL, Newhall has identified interim chloride reduction treatment at the Valencia WRP. This involves chloride treatment of the effluent amount originating from Newhall Ranch (up to 6,000 dwelling units) at the Valencia WRP during the operation period of the 2002 Interconnection Agreement. The result is that the project effluent discharged to the Santa Clara River through the permitted Valencia WRP outfall would result in discharge equivalent to 100 mg/L chloride (or other applicable standard), which is the chloride effluent treatment standard under the Newhall Ranch WRP NPDES permit (NPDES No. CA0064556, Order No. R4-2007-0046). This additional treatment process would remove chloride from the Newhall Ranch effluent at the Valencia WRP, so that the interim chloride reduction would be equivalent to that of the Newhall Ranch WRP under the Newhall Ranch WRP Permit (100 mg/L).

b. Potential Significant Environmental Impacts

The following discussion evaluates the potential significant environmental impacts of the revised project by environmental topic category. The proposed project was assessed in the Landmark Village RDEIR, and is referred to below as the "proposed project." The "revised project" comprises the refinements made to the Landmark Village revised VTTM and the interim chloride reduction facilities that would further treat the wastewater from Landmark Village and Mission Village, if needed, until such time as the first phase of the Newhall Ranch WRP is constructed.

(1) Geotechnical and Soil Resources

The applicant has prepared and the County has approved a Geologic and Geotechnical Report (12/21/09) and Addendum No. 1 (02/25/10) for the revised project. The new Geologic and Geotechnical Reports are included in **Appendix F4.1** of the Landmark Village Revised Final EIR. Implementation of the revised project would result in less grading because of the reduced development footprint on the Landmark Village tract map site (graded acres would decrease by 28.2 acres). The revised project permits development of a portion of the property along with a reduction in the amount of soil imported to the site from the Adobe Canyon borrow site. However, all improvements constructed on site would be subjected

to the forces of ground movement during seismic events similar to the proposed project, and would be subject to the same construction and mitigation requirements as the proposed project.

As to the interim chloride reduction facilities, most of the construction activities affecting geology/soils would occur within the existing road rights-of-way in the project's utility corridor. The environmental effects of constructing the proposed utility corridor were thoroughly addressed in the Landmark Village RDEIR, Section 4.0, Environmental Impacts Analysis. Given the very close proximity of the demineralization and brine disposal sites to the Landmark Village project site, the geology and soils within both the demineralization and brine disposal sites are expected to be similar to the geology and soils in the immediate vicinity of the Landmark Village project site, which was analyzed in the RDEIR, Section 4.1, Geotechnical and Soil Resources. The revised project, including the demineralization and brine disposal sites, also would be subject to the same mitigation measures (as applicable) as found in the RDEIR, Section 4.1.

Because there would be fewer developed acres under the revised project than under the proposed project, and because the same mitigation in the RDEIR, Section 4.1, would apply to the revised project, no new or more severe significant geologic/geotechnical effects are expected to occur with implementation of the revised project.

(2) Hydrology

The applicant has prepared, and the County has approved, a Drainage Concept Report (November 2009) for the revised project. The new Drainage Concept Report is included in **Appendix F4.2** of the Landmark Village Revised Final EIR. Implementation of the revised project would result in slightly less storm runoff and more infiltration than the proposed project because less area would be developed resulting in more open area. Also, it is likely the landscape irrigation needs of the revised project would be slightly less than the proposed project due to less landscaped acreage. The urban runoff generated under the revised project would be conveyed and discharged into the Santa Clara River in a similar manner as the proposed project. However, the number of outlets to the Santa Clara River would decrease from 13 to 9. The change in the number of outlets occurred due to the combining of several outlets. The revised project also would reduce the amount of buried bank stabilization needed on site because the development footprint fronting the river would be reduced. The amount of stabilization would decrease by approximately 357 linear feet, from 18,600 to 18,243 feet.

As to the interim chloride reduction facilities, most of the construction activities would occur within the existing road rights-of-way in the project's utility corridor. The environmental effects of constructing the proposed utility corridor were thoroughly addressed in the Landmark Village RDEIR, Section 4.0,

Environmental Impacts Analysis. The demineralization and brine disposal sites are relatively minor in size (1.2 and 1.6 acres, respectively), and would be designed to allow surface water to sheet flow from the two sites. The hydrology within both sites are expected to be similar to the hydrology requirements within the immediate vicinity of the Landmark Village project site, which was analyzed in the RDEIR, Section 4.2, Hydrology. The revised project, including the demineralization and brine disposal sites, also would be subject to the same mitigation measures (as applicable) found in the RDEIR, Section 4.2.

Because there would be fewer developed acres under the revised project than under the proposed project, and because the same mitigation in the RDEIR, Section 4.2, would apply to the revised project, no new or more severe significant hydrology effects are expected to occur with implementation of the revised project.

(3) Water Quality

Under the proposed project or revised project, Project Design Features (PDFs) incorporated into the development to address water quality and hydrologic impacts would include site design, source control, treatment control, and hydromodification control low impact development (LID) Best Management Practices (BMPs). The LID BMPs would maximize on-site retention of runoff, promoting infiltration and groundwater recharge. In addition, the project applicant (Newhall) has committed to a LID Performance Standard, requiring that the LID PDFs be selected and sized to: (1) fully retain the volume of stormwater runoff produced from a 0.75 inch storm event; and (2) reduce the percentage of Effective Impervious Area (EIA) to 5 percent or less of the total project area within the vesting tentative map and associated off-site project area. Runoff from all EIA shall be subject to treatment control measures that are selected to address the pollutants of concern and are sized to capture and treat 80 percent of the average annual runoff volume. For further information regarding the LID Performance Standard and its implementation, please refer to the Landmark Village Revised Final EIR, **New Topical Response 14: Water Quality**.

A revised Water Quality Technical Report is included in **Appendix F4.3** of the Landmark Village Revised Final EIR. In addition, flow control BMPs would be incorporated into the PDFs in order to comply with the Los Angeles Countywide Standard Urban Storm Water Mitigation Plan (SUSMP). The flow control BMPs for either development of the proposed project or revised project would include both source control and detention. The PDFs, combined with the implementation of recommended mitigation measures, would reduce water quality and hydromodification impacts to less than significant levels under either the proposed project or the revised project. For this reason, the revised project would result in the same or similar impacts than the proposed project from a water quality perspective. The recommended mitigation measures contained in the RDEIR would reduce such impacts to less than significant with either the proposed project or the revised project.

As to the interim chloride reduction facilities, most of the construction activities would occur within the existing road rights-of-way in the project's utility corridor. The environmental effects of constructing the proposed utility corridor were thoroughly addressed in the Landmark Village RDEIR, Section 4.0, Environmental Impacts Analysis. The demineralization and brine disposal sites would be subject to the same water quality analysis and mitigation for the overall Landmark Village project site. The water quality analysis was undertaken in the Landmark Village RDEIR, Section 4.3, Water Quality. The revised project, including the demineralization and brine disposal sites, also would be subject to the same mitigation measures (as applicable) found in the RDEIR, Section 4.3.

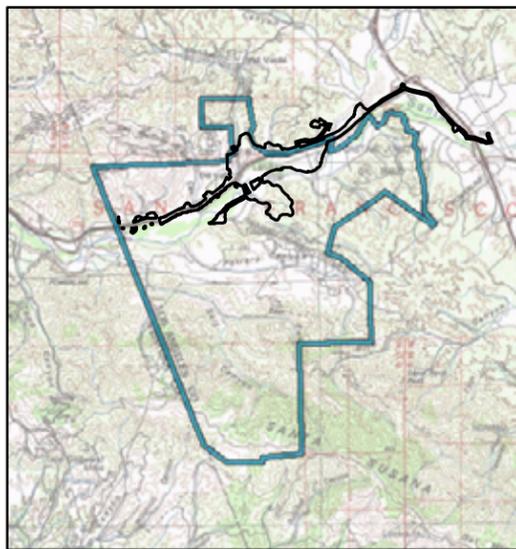
The brine by-product injected into the wells situated on the brine disposal site would be subject to a Class I injection well permit, which is under consideration as part of USEPA's UIC program. No groundwater quality impacts are expected from the brine by-product injected into the wells because the target injection zone is well below the projected underground source of drinking water, or USDW. The placement of the target injection zone would ensure that the injected brine by-product would not migrate upward into the USDW, thereby eliminating any significant impact to groundwater or its quality.

Thus, no new or more severe significant water quality effects are expected to occur with implementation of the revised project, because: (a) there would be fewer developed acres under the revised project than under the proposed project; (b) the same mitigation in the RDEIR, Section 4.3, would apply to the revised project; (c) no significant groundwater quality impacts are expected from the injected brine by-product associated within the interim chloride reduction facilities due to the deep target injection zones; and (d) the brine by-product would be separately regulated pursuant to USEPA's UIC program, and thereby afford sufficient protection to the USDW due to the design, testing, and monitoring that would be provided as permit conditions under USEPA's UIC program.²³

(4) Biota

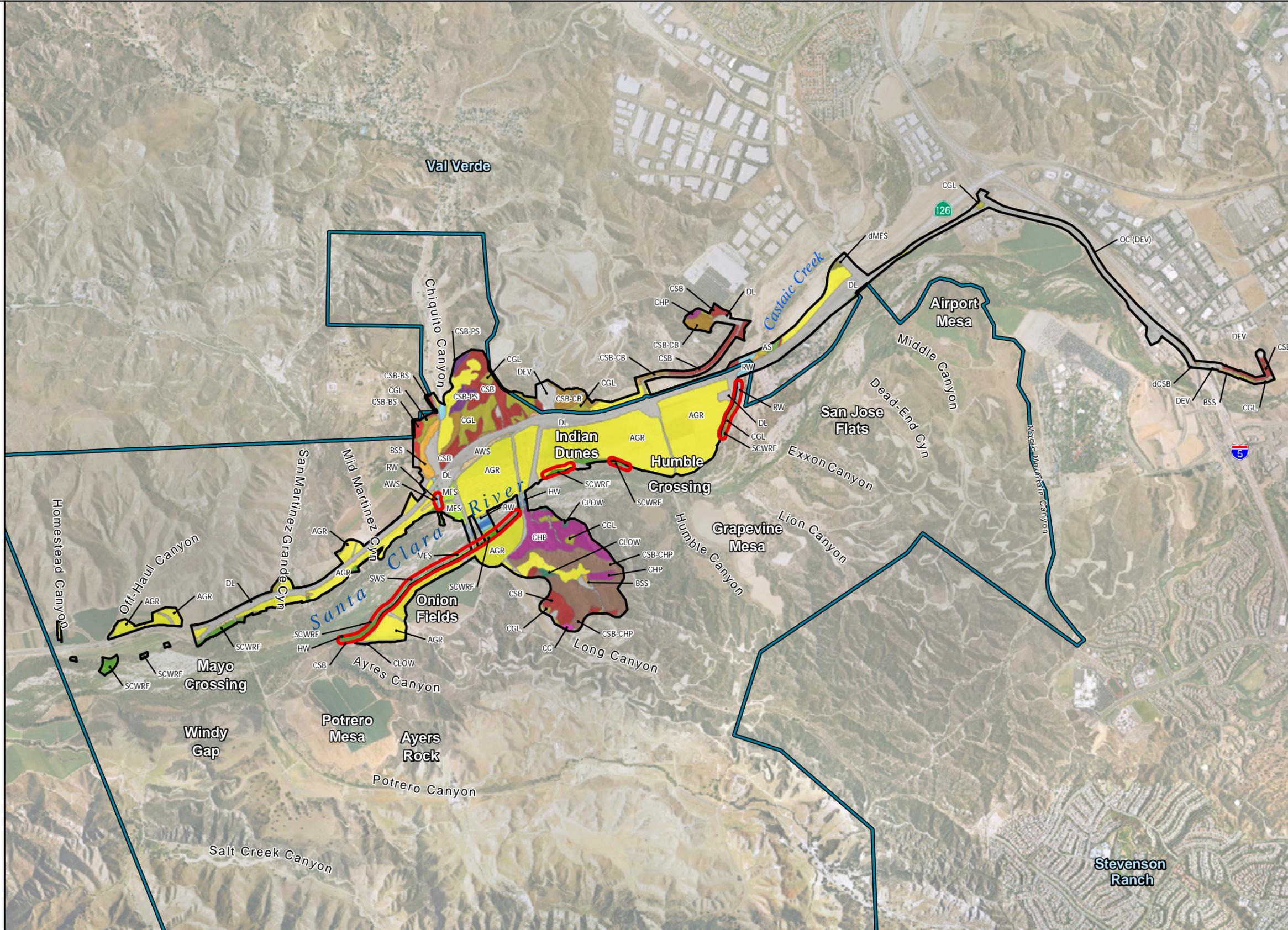
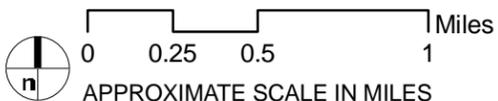
The potential significant biota impacts under the revised project are addressed below, with direct and indirect impacts addressed separately. The analysis provided below includes changes to biological resources as a result of both the revised setback from the Santa Clara River per the Landmark Village revised VTTM, and the proposed interim chloride reduction facilities. Plant communities are depicted in **Figure F4, Plant Communities and Land Uses at the Revised Landmark Village Project Site.**

²³ Newhall's revised USEPA Class I Injection Well Application, dated June 30, 2011, is incorporated by reference and is available for public review upon request to the County's Department of Regional Planning.



Legend

- NRSP Boundary
 - Landmark Village Project Site
- Vegetation Communities 99**
- AGR = Agriculture
 - AS = Alluvial scrub
 - AWS = Arrow weed scrub
 - BSS = Big sagebrush scrub
 - BSS-CB = Big sagebrush scrub-California buckwheat
 - CC = Chamise chaparral
 - CGL = California annual grassland
 - CHP = Undifferentiated chaparral
 - CLOW = Coast live oak woodland
 - CSB = California sagebrush scrub
 - CSB-BS = California sagebrush scrub-black sage
 - CSB-CB = California sagebrush scrub-California buckwheat
 - CSB-CHP = California sagebrush scrub-undifferentiated chaparral
 - CSB-PS = California sagebrush scrub-purple sage
 - DEV = Developed
 - DL = Disturbed land
 - HW = Herbaceous wetlands
 - MFS = Mulefat scrub
 - OC (DEV) = Open channel (developed)
 - RW = River wash
 - SCWRF = Southern cottonwood-willow riparian forest
 - dCSB = Disturbed California sagebrush scrub
 - dMFS = Disturbed Mulefat
- Additional Avoidance Areas



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IMAGE SOURCE: DigitalGlobe 2007

FIGURE F-4

Plant Communities and Land Uses at the Revised Landmark Village Project Site



(a) Direct Impacts

Plant Communities and Land Covers: Compared to the proposed project, the revised project would reduce permanent impacts to existing vegetation and land covers by 25.3 acres (or approximately 3.5 percent). Some of this impact reduction would occur within the riparian vegetation communities. Specifically, permanent impacts to southern cottonwood willow riparian forest would decrease by 2.3 acres; impacts to coast live oak woodlands would decrease by 0.1 acre; impacts to river wash would decrease by 0.4 acre; impacts to California sagebrush scrub would decrease by 0.4 acre; and impacts to big sagebrush scrub would decrease by 0.1 acre. Temporary impacts would increase by 2.0 acres (0.5 percent) overall with the revised project, although temporary impacts would be reduced for riparian vegetation communities. With the revised project, temporary impacts would decrease by 5.7 acres for southern cottonwood willow riparian forest, 3.8 acres for southern willow scrub, 0.8 acres for river wash, 1.6 acres for mulefat scrub, 0.6 acre for southern cottonwood willow riparian forest, and 0.4 acre for herbaceous wetlands.

Table TR12-2, Plant Community/Land Use Impact Summary, provides a summary of the potential impacts to vegetation communities under the proposed project analyzed in the Landmark Village RDEIR (see RDEIR Table 4.4-9), as compared to the impacts to vegetation communities resulting from the revised project.

Jurisdictional Resources: The revised project would result in reduced permanent impacts to Corps jurisdictional resources: 4.5 acres compared to 5.43 acres under the proposed project. Temporary impacts to Corps jurisdictional resources would increase from 2.82 acres to 11.5 acres. The changes to permanent and temporary impacts are a result of an increase in the bridge span because the development footprint has been reduced. The revised project would result in permanent impacts to 8.8 acres of CDFG jurisdictional resources, a reduction compared to the proposed project, which would result in the permanent conversion of 22.4 acres of CDFG jurisdictional resources.

Wildlife Habitat Loss and Impacts to Common Wildlife and Special-Status Wildlife: As described above, the revised project would result in reduced permanent impacts to existing vegetation and land covers by 25.3 acres (or approximately 3.5 percent) compared to the proposed project, although temporary impacts would increase 2.0 acres (0.3 percent) with the revised project. Therefore, the revised project would result in similar, but slightly reduced impacts to wildlife habitat, common wildlife, and special-status wildlife when compared to the proposed project.

Buffers/Setbacks from Riparian Resources: The revised project would result in increased buffer/setback from riparian resources. The setback would be increased by approximately 50 to 100 feet along the edge of the Santa Clara River and Castaic Creek, resulting in a broader buffer/setback when compared to the proposed project, and a reduced potential for indirect impacts on wildlife using the Santa Clara River corridor and Castaic Creek.

Wildlife Habitat Linkages: The proposed project would preserve the integrity of the Santa Clara River and Castaic Creek as wildlife movement corridors and minimize impacts on local and regional wildlife movement by maintaining nearly all of the Santa Clara River floodplain and adjacent uplands as open space with a minimum width of about 1,000 feet. The revised project would result in an additional 50 to 100 feet in width, resulting in reduced impacts to the wildlife habitat linkages in the Santa Clara River corridor and Castaic Creek.

Special-Status Plant Species: Compared to the proposed project, the revised project would result in reduced impacts to slender mariposa lily (1.8 acres of cumulative occupied area compared to 2.3 acres), and reduced impacts to oak trees (64 oak trees compared to 65 trees); and the same impacts to the undescribed everlasting (up to 10 individuals) and San Fernando Valley spineflower (no individuals on the Landmark revised VTTM site).

River Corridor SMA/SEA 23 Impacts: Some of the impacts described above will occur within the River Corridor SMA/SEA 23. Specifically, the revised project would permanently convert to developed uses 38.3 acres of land within the River Corridor SMA/SEA 23 boundary. The proposed project, by contrast, would have converted 59.59 acres of land within the River Corridor SMA/SEA 23. Under the revised project, development within the River Corridor SMA/SEA 23 would be limited to the Long Canyon Road Bridge, portions of the Regional River Trail, a scenic vista path, and portions of the utility corridor. Of the 38.3 acres of impact, 27.6 acres are agriculture; 0.4 acre is undifferentiated chaparral; 3.3 acres are disturbed land; and 7.0 acres are riparian habitat, consisting of arrow weed scrub, big sagebrush scrub, herbaceous wetlands, mulefat scrub, river wash, and southern cottonwood riparian forest. An additional 91.0 acres of land within the River Corridor SMA/SEA 23 would be temporarily disturbed by bank stabilization and/or haul roads, but would be re-planted with native vegetation following completion of construction. Temporary impacts under the original project would have affected 64.98 acres.

**Table TR12-2
Plant Community/Land Use Impact Summary**

General Physiognomic and Physical Location	General Habitat Type	Floristic Alliance	Association	Total Acres present	Total Acres present (Setback Scenario)	Acres Developed	Acres Developed (Setback Scenario)	Acres Temporarily Disturbed	Acres Temporarily Disturbed (Setback Scenario)	Total Acres Developed or Disturbed	Total Acres Developed or Disturbed (Setback Scenario)	Percent Acres Developed or Disturbed	Percent Acres Developed or Disturbed (Setback Scenario)	
Grass and Herb Dominated Communities (40.000.00)	Non-Native Grassland (42.000.00)	California annual grassland (42.040.00)	Not mapped to association level	52.7	53.6	38.8	41.1	13.9	12.5	52.7	53.6	100%	100%	
Scrub and Chaparral (30.000.00)	Coastal Scrub (32.000.00)	California sagebrush scrub (32.010.00)	Not mapped to association level	80.1	80.4	61.8	61.4	18.3	19.0	80.7	80.4	100%	100%	
			California sagebrush- <i>Artemisia californica</i> (32.010.01)	0.4	0.0	0.0	0.0	0.4	0.0	0.4	0.0	0.0	100%	N/A
			California sagebrush-purple sage (32.010.04)	8.5	8.5	8.5	8.5	0.0	0.0	8.5	8.5	8.5	100%	100%
		California sagebrush-black sage scrub (32.120.00)	California sagebrush-black sage	6.0	6.0	1.0	1.0	5.0	5.0	6.0	6.0	100%	100%	
		California sagebrush-California buckwheat scrub (32.110.00)	Not mapped to association level	26.1	26.0	22.8	22.8	3.3	3.2	26.1	26.0	100%	100%	
		California sagebrush scrub-undifferentiated chaparral (32.300.00)	Not mapped to association level	61.6	61.7	61.6	61.7	0.0	0.0	61.6	61.7	100%	100%	
	Undifferentiated Chaparral Scrubs (37.000.00)	Not mapped to alliance level	Not mapped to association level	47.2	47.2	46.8	46.8	0.4	0.4	47.2	47.2	100%	100%	
Chaparral with Chamise (37.100.00)	Chamise chaparral (37.101.00)	Not mapped to association level	1.2	1.2	1.2	1.2	0.0	0.0	1.2	1.2	100%	100%		
Oak Woodland and Forest (71.000.00)	Coast live oak forest and woodland (71.060.00)	Coast live oak woodland (71.060.19))	3.4	3.4	3.3	3.2	0.1	0.1	3.4	3.3	100%	97%		
Riparian and Bottomland Habitat (60.000.00)		Herbaceous wetland	Not mapped to association level	3.5	3.0	0.4	0.4	3.1	2.7	3.5	3.0	100%	100%	
	Other Riparian/Wetland	River wash	Not mapped to association level	15.2	14.0	2.5	2.1	12.7	11.9	15.2	14.0	100%	100%	
		Alluvial scrub	Not mapped to association level	0.5	0.5	0.0	0.0	0.5	0.5	0.5	0.5	100%	100%	
		Big sagebrush scrub (35.110.00)	Not mapped to association level	12.2	12.1	2.2	2.1	10.0	10.0	12.2	12.1	100%	100%	

General Physiognomic and Physical Location	General Habitat Type	Floristic Alliance	Association	Total Acres present	Total Acres present (Setback Scenario)	Acres Developed	Acres Developed (Setback Scenario)	Acres Temporarily Disturbed	Acres Temporarily Disturbed (Setback Scenario)	Total Acres Developed or Disturbed	Total Acres Developed or Disturbed (Setback Scenario)	Percent Acres Developed or Disturbed	Percent Acres Developed or Disturbed (Setback Scenario)
		Big sagebrush scrub	Big sagebrush-California buckwheat	0.5	0.5	0.4	0.4	0.1	0.1	0.5	0.5	100%	100%
		Arrow weed scrub (63.710.00)	Not mapped to association level	7.0	7.0	5.1	5.1	1.9	1.9	7.0	7.0	100%	100%
	Low to High Elevation Riparian Scrub (63.000.00)	Mulefat scrub (63.510.00)	Not mapped to association level	12.0	10.5	6.9	7.0	5.1	3.5	12.0	10.5	100%	100%
		Southern willow scrub (63.130.00)	Not mapped to association level	3.8	0.0	0.0	0.0	3.8	0.0	3.8	0.0	100%	N/A
		Fremont cottonwood riparian forest and woodland (61.130.00)	Southern cottonwood-willow riparian (61.130.02)	31.5	23.5	4.9	2.6	26.6	20.9	31.5	23.5	100%	100%
		Coast Live Oak Forest and Woodland (71.060.00)	Southern Coast Live Oak Riparian Forest (71.060.20)	0.6	0.0	0.0	0.0	0.6	0.0	0.6	0.0	100%	N/A
Man-Made Land Cover Types	Man-Made Land Cover Types	Agriculture	NA	428.1	424.6	357.9	341.4	70.2	83.2	428.1	424.6	100%	100%
		Developed land	NA	11.1	11.1	9.1	9.1	2.0	2.0	11.1	11.1	100%	100%
		Disturbed land	NA	249.0	246.5	83.2	75.3	165.8	169.0	249.0	244.3	100%	99%
Totals				1,063.2	1,042.3	718.3	693.0	345.0	347.0	1,063.2	1,040.0	100%	100%

¹ Temporarily disturbed by bank stabilization, utility corridor, and/or haul roads, but would be revegetated to native vegetation or upland vegetation, where appropriate, following completion of construction

As described above, the revised project would reduce permanent impacts to existing vegetation and land covers by 25.3 acres (or approximately 3.5 percent) when compared to the proposed project, and temporary impacts would increase 2.0 acres (0.3 percent) with the revised project. Therefore, the revised project would result in similar but slightly reduced impacts to Parish's sagebrush, mainland cherry trees, island mountain-mahogany plants, Southern California black walnut, and Peirson's morning-glory than the proposed project.

(b) Indirect Impacts

As described above, the revised project would reduce permanent impacts to existing vegetation and land covers by 25.3 acres (or approximately 3.5 percent) when compared to the proposed project, and temporary impacts would increase 2.0 acres (0.3 percent) with the revised project. The setback along the Santa Clara River and Castaic Creek would be increased on the order of 50 to 100 feet, resulting in broader buffer/setback when compared to the proposed project. Therefore, the revised project would result in similar, but somewhat reduced indirect impacts (e.g., night lighting, domestic animals and human trespassing, noise, etc.) to wildlife habitat, common wildlife, and special-status wildlife using the Santa Clara River corridor and Castaic Creek compared to the proposed project.

Because there are fewer direct and indirect biota impacts with the revised project when compared to the proposed project, because any increase in temporary impacts would be limited in duration and nature, and because the same mitigation in the RDEIR, Section 4.4, Biota, would apply to the revised project, no new or more severe significant biota effects are expected to occur with implementation of the revised project.

(5) Floodplain Modifications

The revised project would reduce the extent of floodplain modifications that would be necessary compared to the proposed project by setting development back further from the Santa Clara River. Consequently, floodplain modifications associated with construction and operation of the revised project would result in fewer impacts on sensitive aquatic/riparian resources in the Santa Clara River corridor as the revised project would create slightly less increase in flows, water velocities, water depth, changes in sediment transport, and changes in flooded areas. For example, as discussed above, the revised project would permanently disturb 38.3 acres of habitat within the boundaries of the River Corridor SMA/SEA 23, whereas the original project would have permanently disturbed 59.59 acres of habitat within the River Corridor SMA/SEA 23. This constitutes an impact reduction of 21.29 acres.

Although the proposed project creates only minor hydraulic effects, which are insufficient to alter the amount, location, and nature of aquatic and riparian habitats in the project area and downstream, as well

as insufficient to impact sensitive riparian species, including the unarmored threespine stickleback, arroyo toad, California red-legged frog, southwestern pond turtle, and two-striped garter snake, the revised project would result in fewer impacts than the proposed project relative to floodplain modifications because it would create fewer hydraulic impacts as a result of setting back development further from the Santa Clara River.

As to the interim chloride reduction facilities, no significant floodplain modification impacts are expected because: (a) most of the construction activities would occur within the existing road rights-of-way in the project's utility corridor, and the environmental effects of constructing the proposed utility corridor were thoroughly addressed in the Landmark Village RDEIR, Section 4.0, Environmental Impacts Analysis; and (b) no flood protection is required for either the demineralization or the brine disposal sites.

Accordingly, no new or more severe significant floodplain modification effects are expected to occur with implementation of the revised project.

(6) Visual Qualities

Development under the revised project or the proposed project would be subject to the Development Regulations and Design Guidelines contained in the Specific Plan. These regulations and guidelines address grading, lighting, fencing, landscaping, signage, architecture, and site planning for development within the Newhall Ranch Specific Plan. Despite such features, significant visual impacts would result from the change in the visual character of the site from rural to urban under both the proposed project and the revised project. However, the revised project would result in fewer impacts as it would reduce disturbance along Castaic Creek and the Santa Clara River compared to the proposed project.

Additionally, as to outdoor illumination, with the setback associated with the revised project, the location of such project features would be located further from sensitive riparian areas than under the proposed project. The revised project also would result in fewer impacts than the proposed project relative to visual qualities because it would result in an increase in open space acreage (i.e., 11.9 acres) and move development further from the Santa Clara River and Castaic Creek.

As to the interim chloride reduction facilities, most of the construction activities affecting visual resources would occur within the existing road rights-of-way in the project's utility corridor. The environmental effects of constructing the proposed utility corridor were thoroughly addressed in the Landmark Village RDEIR, Section 4.0, Environmental Impacts Analysis. In addition, both the demineralization and brine disposal sites are surrounded by existing or planned development; therefore, no significant visual impacts are associated with either site. The sites themselves are relatively small in size (1.2 and 1.6 acres, respectively). The demineralization site also would be in the immediate vicinity of the existing Valencia WRP, and would border the I-5 corridor. The brine disposal site would be located in the Valencia

Commerce Center, which is partially constructed and occupied, and the well facilities located within that site would be housed in an enclosure within the existing Commerce Center site. Lastly, the brine disposal site would be located northeast of and immediately adjacent to Commerce Center Drive, and north of the Castaic Creek. Commerce Center Drive is a major arterial roadway. Thus, no new or more severe significant visual effects are expected to occur with implementation of the revised project.

(7) Traffic and Access

Implementation of the revised project would reduce the number of vehicle trips generated by on-site uses when compared to the proposed project. Specifically, using the Institute of Transportation Engineers (ITE) *Trip Generation Manual* factors, average daily trip generation for the proposed project is estimated at 41,900 trips. In comparison, the revised project would generate approximately 41,517 trips, resulting in a slight reduction of 383 trips when compared to the proposed project (a 1 percent reduction in traffic trips). While there would be less traffic generated with the revised project, it would still represent a balanced land plan that contains neighborhood-serving commercial uses that are connected to the residential areas by paseos and trails, thereby promoting alternative means of travel and keeping many vehicle trips internal to the project site and vicinity.

As to the interim chloride reduction facilities, most of the construction activities affecting traffic would occur within the existing road rights-of-way in the project's utility corridor. The environmental effects of constructing the proposed utility corridor were thoroughly addressed in the Landmark Village RDEIR, Section 4.0, Environmental Impacts Analysis. The overall traffic effects of the Landmark Village project site also were thoroughly analyzed in the RDEIR, Section 4.7, Traffic/Access. While both the demineralization and brine disposal sites are expected to draw traffic trips, those trips would be limited to temporary construction trips and intermittent facility maintenance trips and, therefore, would be limited in number and frequency and less than the total traffic trips projected under the proposed project.

Thus, no new or more severe significant traffic effects are expected to occur with implementation of the revised project.

(8) Noise

Under either the revised project or the proposed project, development would involve clearing and grading of the ground surface, installation of utility infrastructure, and building of the proposed improvements. These activities typically involve the temporary use of heavy equipment, smaller equipment, and motor vehicles, which generate both steady static and episodic noise. However, because the revised project does reduce the development footprint there would be slightly less grading activity, when compared to the proposed project; the time needed to grade the site also would be slightly reduced, thereby somewhat decreasing the length of time noise receptors would be exposed to construction noise.

While noise from individual pieces of construction equipment would likely not be reduced, the revised project would result in slightly fewer impacts than the proposed project with regard to construction noise.

With respect to operational impacts, under either the revised project or the proposed project, building occupants would be subject to traffic noise along SR-126 and on internal roadways, as well as noise from day-to-day activities at the site. Traffic along SR-126 would result in noise impacts at the residential, school, and park uses proposed along SR-126 under either the revised project or the proposed project; however, the impacts would be subject to the mitigation measures found in the Landmark Village RDEIR, **Section 4.8, Noise**. Future traffic along SR-126 would cause mobile source noise levels at Travel Village to exceed acceptable noise levels, although the project applicant is required to mitigate highway noise at Travel Village regardless of which development scenario is selected.

The demineralization site would generate noise levels of approximately 80 decibels and emergency generators would generate noise levels at approximately 90 decibels. However, the demineralization equipment would be located in an enclosed facility, which would reduce projected noise levels by approximately 15 decibels. The site also would be proposed adjacent to the I-5/Rye Canyon off-ramp, adjacent to The Old Road and the Valencia WRP. The Old Road is major, arterial roadway providing a secondary north-south access route in addition to I-5. No noise sensitive uses are in the vicinity of the site. In addition, the traffic from the I-5 freeway and The Old Road would be expected to generate noise levels in excess of those generated from the demineralization site.

The brine injection pumps would have noise levels of approximately 85 decibels. The pumps would be located inside an enclosure, which would reduce projected noise levels by approximately 15 decibels. Nearby uses are industrial and do not contain any noise sensitive uses.

Thus, no new or more severe significant noise effects are expected to occur with implementation of the revised project.

(9) Air Quality

Under the revised project, short-term grading and construction-related air quality impacts would be reduced as compared to the proposed project, because under the revised project, the development footprint would be slightly reduced in size. The total number of construction days would likely be reduced slightly in proportion to the reduction in graded area. However, because the length of grading time per day would likely not decrease (just the *total number* of construction days), receptors would still be exposed to the same amount of daily emissions.

Long-term (i.e., operational) air quality impacts under the revised project also would be reduced when compared to the proposed project, as the number of operational traffic trips would be reduced by

approximately 1 percent primarily because of the change in residential unit mix (i.e., fewer single-family units and more multi-family units). This would slightly reduce air emissions by approximately 1 percent per day compared to the proposed project.

The proposed project would require two 500 kilowatt (kW) emergency generators to operate the demineralization and brine injection equipment in the event of a power loss. The emergency generators would result in emissions of volatile organic compounds (VOCs), nitrogen oxides (NOX), carbon monoxide (CO), sulfur oxides (SOX), respirable particulate matter (PM10), and fine particulate matter (PM2.5). These criteria air pollutants would be emitted during intermittent emergency operations and as part of routine intermittent maintenance and testing.

The emissions associated with the emergency generators are presented in **Table TR12-3, Estimated Emissions from Two 500 kW Emergency Generators**. The emissions assume that each generator would operate for 1 hour in a day for maintenance and testing and would comply with South Coast Air Quality Management District (SCAQMD) Best Available Control Technology (BACT) requirements.

**Table TR12-3
Estimated Emissions from Two 500 kW Emergency Generators**

Phase	Criteria Pollutants in Pounds per Day/GHG in MTCO ₂ e						
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}	GHGs
Two 500 kW Emergency Generators	0.44	8.43	7.69	0.00	0.44	0.44	35.36

• *Source: Impact Sciences, Inc, (2011).*

Even with the emissions outlined in **Table TR12-3**, above, air quality emissions of the revised project would be less than the proposed project. Detailed air emissions calculations are found in **Appendix F4.9** of the Landmark Village Revised Final EIR.

Both the proposed project and the revised project would result in SCAQMD air quality thresholds being exceeded in the summer and winter for Carbon Monoxide (CO), Volatile Organic Compounds (VOC), Oxides of Nitrogen (NO_x), and Particulate Matter-10 (PM₁₀), including PM_{2.5}. Nonetheless, as explained, the revised project would result in fewer impacts to air quality than the proposed project.

Because there would be fewer developed acres under the revised project than under the proposed project, and because the same mitigation in the RDEIR, Section 4.9, Air Quality, would apply to the revised project, no new or more severe significant air quality effects are expected to occur with implementation of the revised project.

(10) Water Service

The proposed project would generate potable water demand of approximately 608 acre-feet per year (afy) and a non-potable demand of 364 afy. Potable water (608 afy) would be supplied to the project by the Valencia Water Company from local groundwater supplies. Non-potable water demand (364 afy) would be met through the use of recycled (reclaimed) water from the initial phase of the Newhall WRP, with buildout of the WRP occurring over time as demand for treatment increases with implementation of the Newhall Ranch Specific Plan. As stated in the Landmark Village RDEIR, Section 4.10, Water Service, alternatively, if the Newhall Ranch WRP is not operating at the time of project occupancy, the non-potable water demand would be met through the use of recycled water from the existing Valencia WRP, located upstream of the Landmark Village project site.

Accordingly, the proposed project's water demand would be met by relying on two primary sources of water supply, namely, the applicant's agricultural water supplies and recycled water supplied by the Newhall Ranch WRP or the existing Valencia WRP. Because these two independent water sources meet the water needs of the proposed project, no potable water would be needed from the existing or planned water supplies of CLWA, including imported water from CLWA's State Water Project (SWP) supplies.

The potable water demand for the revised project would be 575 afy and the non-potable demand would be 342 afy, which represents a decrease in potable water demand of 33 afy, and a decrease in non-potable water demand of 22 afy when compared to the proposed project. The decrease in water demand is primarily due to the change in the mix of residential units (i.e., fewer single family units and more multi-family units) and the reduction in commercial development acreage (i.e., less irrigation). Given that less water demand is associated with the revised project when compared with the proposed project (i.e., an approximate reduction in water demand of 6 percent), the revised project would result in reduced impacts to water service than the proposed project. Specific to the interim chloride reduction facilities, no material increase in potable water supply would be needed with respect to construction or operation of either the demineralization or brine disposal sites and related underground lines connecting to and from the Valencia WRP.

Thus, no new or more severe significant water supply effects are expected to occur with implementation of the revised project.

(11) Wastewater Disposal

Wastewater generation under the revised project would be approximately 0.38 million gallons per day (mgd), which represents a decrease of 0.03 mgd when compared to the proposed project (a 7 percent decrease). As with the proposed project, this wastewater ultimately would be treated at the Newhall

Ranch WRP. The treatment capacity of the Newhall Ranch WRP would be 6.8 mgd, with a maximum flow of 13.8 mgd. Until the first phase of the Newhall Ranch WRP is constructed, there are two options for the temporary conveyance and treatment of wastewater generated by either the proposed project or the revised project. The first option is to construct an initial phase of the Newhall Ranch WRP to serve the VTTM site, with build out of the WRP occurring over time as demand for treatment increases. As the Newhall Ranch WRP is intended to serve the Specific Plan area, the initial phase of the WRP would be designed and constructed to accommodate the predicted wastewater generation of either the proposed project or the revised project. The second option would temporarily direct wastewater flows to the Valencia WRP until the first phase of the Newhall Ranch WRP is constructed. Based on SCVSD future wastewater generation estimates and the planned expansion of the Saugus and Valencia WRPs, the Valencia WRP would have sufficient capacity to temporarily accommodate the project's predicted wastewater generation of 0.41 mgd, so the 0.38 mgd generated under the revised project also could be accommodated. For these reasons, the revised project would result in slightly less impacts when compared with the proposed project with respect to wastewater generation and treatment. Thus, no new or more severe significant wastewater effects are expected to occur with implementation of the revised project.

In addition, for a further assessment of the overall environmental impacts associated with the interim treatment of wastewater for the first 6,000 dwelling units on Newhall Ranch, please see **Section 2., Subsection a.**, above.

(12) Solid Waste Services

The proposed project would generate 3,913 tons of solid waste per year. In comparison, the revised project would generate 3,878 tons of solid waste per year resulting in a decrease of 35 tons per year of solid waste generated compared to the proposed project. To the extent the revised project would generate slightly less solid waste than the proposed project, the revised project, therefore, would result in slightly fewer impacts than the proposed project relative to solid waste services. Specific to the interim chloride reduction facilities, there would be no material change or increase in solid waste generation with implementation of the proposed facilities.

Thus, no new or more severe significant solid waste effects are expected to occur with implementation of the revised project.

(13) Sheriff Services

The proposed project would result in a resident population of approximately 3,680 persons, which would increase the demand for law enforcement and traffic-related services on the project site and the local

vicinity in terms of personnel and equipment. As a result, the proposed project would require the services of an additional four sworn officers. In comparison, the revised project would result in a population of 3,650 persons, a slight reduction. Given the Sheriff Department ratio of 1 officer per 1,000 persons, the revised project also would require the services of four officers. Therefore, from a sheriff services standpoint, the revised project would result in impacts similar to the proposed project with respect to law enforcement. Specific to the interim chloride reduction facilities, there would be no material change or increase in the use of law enforcement services with implementation of the proposed facilities.

Thus, no new or more severe significant law enforcement effects are expected to occur with implementation of the revised project.

(14) Fire Protection Services

The project site is located in an area designated as a Very High Fire Hazard Severity Zone (formerly called Fire Zone 4) by the County's Fire Department, which denotes the County Forester's highest fire hazard potential. Any land use constructed on the project site would be required to meet all County codes and requirements relative to providing adequate fire protection services to the site during both the construction and operational stages of the project.

Since the number of housing units would be slightly reduced under the revised project, the number of fire protection service calls would also be slightly reduced relative to the proposed project. Under either the proposed project or the revised project, the fire station would be constructed. As a result, site development under either the proposed project or the revised project would not diminish the staffing or the response times of existing fire stations in the Santa Clarita Valley, nor would it create a special fire protection requirement on the site that would result in a decline in existing service levels. Based on this information, the revised project would result in similar impacts to the proposed project with respect to fire protection services. The revised project would provide slightly less tax revenue to fund ongoing fire protection services than the proposed project due to the slight reduction in the number of dwelling units and corresponding minor reduction in project population. Specific to the interim chloride reduction facilities, there would be no material change or increase in the use of fire protection services with implementation of the proposed facilities.

Thus, no new or more severe significant fire protection effects are expected to occur with implementation of the revised project.

(15) Education

The proposed project would generate an estimated 299 elementary school students, 138 middle school students, and 173 senior high school students for the two affected school districts at project build out. Because the revised project would change the mix of dwelling units compared to the proposed project, fewer students would be generated under the revised project. The revised project would generate an estimated 290 elementary school students, 135 middle school students, and 167 senior high school students.

Development of either the proposed project or the revised project would be subject to the funding agreements established between the applicant and the affected school districts. Given that all future development, including the proposed project or the revised project, must comply with existing school facilities funding agreements and other mechanisms (e.g., Senate Bill [SB] 50, the Valley-Wide Joint Fee Resolution, and/or new school facilities funding agreements), the revised project would result in impacts similar to the proposed project with respect to education. Specific to the interim chloride reduction facilities, there would be no material change or increase in the use of education services with implementation of the proposed facilities.

Thus, no new or more severe significant educational effects are expected to occur with implementation of the revised project.

(16) Parks and Recreation

The proposed project includes approximately 16 acres of active and passive parkland consistent with the Specific Plan's Land Use Overlay Community Park designation for the area, 3.13 acres of the Specific Plan's Regional River Trail, and 4.10 acres of community trails. Implementation of these project components results in a parkland dedication equivalent to approximately 7.1 acres per 1,000 persons, which is greater than the County and Quimby Act requirements of 3.0 acres per 1,000 persons.

The revised project would provide 10.5 acres of active and passive parkland, with the same amount of trails. Implementation of these project components would result in a parkland dedication less than the proposed project (approximately 5.6 acres per 1,000 persons). This figure still exceeds the County and Quimby Act requirements of 3.0 acres per 1,000 persons. For this reason, the revised project would result in similar impacts to the proposed project with respect to parks and recreation. Specific to the interim chloride reduction facilities, there would be no material change or increase in the use of parks and recreation services with implementation of the proposed facilities.

Thus, no new or more severe significant parks and recreation effects are expected to occur with implementation of the revised project.

(17) Library Services

Based on the adopted County library planning standard of 0.50 square foot of library facilities per capita and the adopted County library planning standard of 2.75 library books per capita, development of the proposed project would require a total of 1,840 square feet of library facilities and 10,120 items (books, magazines, periodicals, etc.). As a result of the reduced on-site population, the revised project would require a total of 1,825 square feet of library facilities with 10,038 additional volumes of books for the library system's collection. This results in a decrease in demand of 15 square feet of library facilities and 83 library books when compared to the proposed project.

As part of the County's approval of the Newhall Ranch Specific Plan, it adopted library mitigation requiring that the developer provide funding for the construction and development of library facilities on the Specific Plan site. This requirement would apply equally to the revised project. Therefore, while the revised project would result in less demand for space and items than the proposed project, the revised project would result in impacts similar to the proposed project relative to library services because the demand for space and items would be met by construction and operation of the new libraries, as required by the Specific Plan mitigation. Specific to the interim chloride reduction facilities, there would be no material change or increase in the use of library services with implementation of the proposed facilities.

Thus, no new or more severe significant library effects are expected to occur with implementation of the revised project.

(18) Agricultural Resources

The revised project would result in the same loss of prime agricultural land and agricultural production as the proposed project because the reduction in development footprint would occur in land not currently used for farming. However, the revised project would reduce impacts on forest land. Specifically, permanent impacts on upland coast live oak woodland would decrease by 0.1 acre, while permanent impacts on cottonwood riparian forest would decrease by 2.3 acres. The revised project also would reduce temporary impacts on forest lands, at least in most cases. Temporary impacts on cottonwood riparian forest would decrease by 5.7 acres and temporary impacts on southern coast live oak riparian forest would decrease by 0.6 acres and be reduced to zero. Temporary impacts on upland coast live oak woodland would not change. Specific to the interim chloride reduction facilities, there would be no material change or increase in impacts to designated agricultural resources with implementation of the proposed facilities.

Thus, no new or more severe significant agricultural resource effects are expected to occur with implementation of the revised project.

(19) Utilities and Climate Change

Since a similar amount of development is planned under the revised project as the proposed project, energy use associated with the revised project would be similar to that identified for the proposed project. Additionally, projections for energy supply and demand by Southern California Edison and the Southern California Gas Company indicate that the utilities would have sufficient electricity and natural gas supply to serve the VTTM site regardless of the development selected (i.e., proposed project or the revised project). In addition, all development associated with the proposed project would be required to comply with Title 24, Assembly Bill (AB) 970, and AB 32 energy conservation measures. In fact, the applicant has committed to designing all residential and non-residential uses to be 15 percent more energy efficient than required by Title 24 (2008). Based on the above, the revised project would result in impacts similar to the proposed project with respect to utilities.

With respect to climate change and the emission of greenhouse gases, the emissions that would be generated by the emergency generators for the demineralization and brine disposal sites are discussed and presented in **Air Quality, Table TR12-3**, above. Please see **Appendix F4.9** for detailed calculations and supporting documentation.

While slight modifications to the mix of development would occur with the revised project, the effects on climate change would be considered similar to the proposed project because a similar amount of vehicular traffic and energy demand would occur. As to the interim chloride reduction facilities, there would be no material change or increase in the use of energy with implementation of the proposed facilities.

Thus, no new or more severe significant utility or climate change effects are expected to occur with implementation of the revised project.

(20) Mineral Resources

The revised project would result in a smaller development footprint, requiring less grading than the proposed project (the development footprint would be reduced). As such, the potential for disturbance or over covering of any potential mineral resource deposits during site development would be slightly reduced when compared to the proposed project. For this reason, the revised project would result in slightly less impacts when compared to the proposed project with respect to mineral resources. Specific to

the interim chloride reduction facilities, there would be no material change or increase in the use of mineral resources with implementation of the proposed facilities.

Thus, no new or more severe significant mineral resource effects are expected to occur with implementation of the revised project.

(21) Environmental Safety

The potential environmental safety impacts relative to development of the proposed project site include soil contamination attributable to past and present agricultural activities, on-site petroleum (i.e., oil) drilling and pipeline activities, and the disposal of on-site hazardous materials debris. Future residents of either the proposed project or revised project potentially would be subjected to these potential hazards unless remediated. For these reasons, the revised project would result in impacts similar to the proposed project with respect to environmental safety. Specific to the interim chloride reduction facilities, there would be no material change or increase in environmental safety with implementation of the proposed facilities.

Thus, no new or more severe significant environmental safety effects are expected to occur with implementation of the revised project.

(22) Cultural/Paleontological Resources

The revised project would result in a smaller development footprint and require slightly less grading near to known archaeological and paleontological resources than the proposed project. As such, the potential for disturbance to known cultural/paleontological resources during construction activities under the revised project would be slightly reduced when compared to the proposed project. For this reason, the revised project would result in slightly less impacts when compared to the proposed project with respect to cultural/paleontological resources. Specific to the interim chloride reduction facilities, there would be no material change or increase in impacts to cultural/paleontological resources with implementation of the proposed facilities.

Thus, no new or more severe significant cultural/paleontological effects are expected to occur with implementation of the revised project.

It also should be noted that in connection with the Newhall Ranch RMDP/SCP project, which includes the Landmark Village project area, the Corps consulted with the State Historic Preservation Office (SHPO), as well as the Tataviam Band, the San Fernando Band of Mission Indians, the Los Angeles City/County

Native American Indian Community, Charles Cooke, Randy Guzman-Folkes, and Beverly Salazar Folkes, and the California Department of Transportation (Caltrans).

As a result of that process, a programmatic agreement (PA) was developed, which contains the methods and terms by which the Corps will comply with Section 106 of the National Historic Preservation Act (NHPA, 16 U.S.C. Section 470 et seq.), as amended. Section 106 requires federal agencies to consider the effects of their actions on historic properties; the purpose of section 106 is to avoid unnecessary impacts to historic properties from federal undertakings. The PA was executed by the Corps on September 23, 2010, and by SHPO on September 28, 2010. Consulting parties to the PA include the applicant, Caltrans, the Fernandeano Tataviam Band, San Fernando Band of Mission Indians, the Los Angeles City/County Native American Indian Community, Charles Cooke, Randy Guzman-Folkes, and Beverly Salazar Folkes. Compliance with the PA will be a special condition of any Department of the Army permit that is issued to the applicant. A copy of the PA is included in the Landmark Village Revised Final EIR, **Appendix F4.22**.

(23) Conclusion on Environmental Analyses

Generally, under the revised project, impacts associated with geotechnical and soil resources, hydrology, water quality, traffic, air quality, noise, water service, wastewater, biota, cultural/paleontological resources, visual qualities, solid waste services, mineral resources, and floodplain modifications would be reduced when compared to the proposed project. The revised project would have similar impacts with respect to sheriff service, fire service, education, parks and recreation, library services, agricultural resources, utilities and climate change, and environmental safety when compared to the proposed project. On balance, the revised project would result in fewer impacts than the proposed project. In addition, based on the above analysis, no new or more severe significant environmental effects are expected to occur with implementation of the revised project.

New Topical Response 13: Chloride

1. Introduction

Comments on the Landmark Village Recirculated Draft EIR, or RDEIR, point to the project's proposed generation of a worst-case average total of 0.41 million gallons per day (mgd)¹ of wastewater that ultimately would be treated by the Newhall Ranch Sanitation District (NRSD) at the approved Newhall Ranch Water Reclamation Plant (WRP), and express concern that the tertiary-treated wastewater discharge to the Santa Clara River may result in exacerbating chloride impacts to the river, which are already "impacted."

Comments state that the project's potable water supply (the E Wells) is often naturally high in chloride, and that due to typical chloride "pickup" levels in domestic water, the project may pose a significant impact due to its contribution of chloride in treated wastewater discharges, possibly exceeding the chloride total maximum daily load (TMDL) wasteload allocation of 100 mg/L.

Comments state that the Santa Clarita area is experiencing difficulties in meeting the TMDL levels for chloride; that stakeholders have developed an alternative plan, known as the Alternative Water Resources Management Plan (AWRMP) (and as the Alternative Compliance Plan, or ACP); and that "higher levels of chloride in the potable water supply" will make the AWRMP more expensive and difficult to implement.

Other comments have been received on the potential chloride impacts in wastewater discharges from the Newhall Ranch Specific Plan projects, claiming that chloride has had a significant impact on the natural river ecosystem due to high levels of chloride in treated wastewater effluent and runoff from urban areas. The comments assert that the river ecosystem already has been impacted by high concentrations of chloride in the Santa Clara River. Further, comments assert that the EIR is deficient by not eliminating future projected increases in chloride levels in the implementation of the project.

Comments also claim that an agreement between the project applicant (Newhall) and Sanitation Districts Nos. 26 and 32, later consolidated as the Santa Clarita Valley Sanitation District (SCVSD), violates the conditions of the Newhall Ranch Specific Plan, and places the Santa Clarita Valley in jeopardy of "continued non-compliance" with the chloride TMDL under the Clean Water Act. Comments also

¹ Since preparation of this topical response, the project's wastewater generation slightly decreased in response to the revised project design. Please see the Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design**. Under the revised project, wastewater generation would be approximately 0.38 mgd, which represents a decrease of 0.03 mgd when compared to the proposed project (a 7 percent decrease). As with the proposed project, this wastewater ultimately would be treated at the Newhall Ranch WRP, which will have sufficient treatment capacity.

question the cost implications of the “clean up of chlorides required to comply with the Clean Water Act.” Other comments assert that high chloride levels in water supply wells and the use of Nickel water will add to the chloride load from WRP discharges. Comments claim that groundwater is already “contaminated” with chloride, which would be exacerbated under the proposed project.

Further, comments claim that the only option for reducing chloride impacts is the phased or full construction of the Newhall Ranch WRP. Comments also oppose the interim use of the Valencia WRP to serve up to 6,000 dwelling units from both the Landmark Village and Mission Village projects within the Newhall Ranch Specific Plan. Comments claim that interim use of the Valencia WRP will compound its treatment problems, and make it more difficult for the SCVSD to comply with the AWRMP for chlorides. Comments claim that the SCVSD’s failure to comply with the AWRMP, and its required timelines, will result in the imposition of the stricter 100 milligrams per liter (mg/L) chloride TMDL standard. Comments infer that interim use of the Valencia WRP will not result in the construction of the Newhall Ranch WRP.

This topical response addresses these chloride-related comments. At the outset, however, some background information is appropriate for overall context.

2. Wastewater Plan

Both the Landmark Village RDEIR and the Mission Village Draft EIR described and analyzed each project’s wastewater/sewer plan, including the routing of sewer lines and the delivery system to serve each project site within the approved Newhall Ranch Specific Plan. As stated in each EIR, the long-range plan is for the Newhall Ranch WRP to be constructed to serve uses within the Specific Plan area, and the new County sanitation district (i.e., NRSB) has been formed to implement the Newhall Ranch WRP, and to coordinate with the Santa Clarita Valley Sanitation District of Los Angeles County, or SCVSD, with regard to the establishment of the new Newhall Ranch sanitation district and its WRP and sewerage conveyance system. This coordination enables the County to verify that the Newhall Ranch development is consistent with the County’s General Plan and Specific Plan buildout requirements. Part of this coordination involved Newhall entering into the Interconnection Agreement, dated January 9, 2002, with the Sanitation District Nos. 26 and 32, later consolidated as the SCVSD.²

The Interconnection Agreement sets conditions under which the first 6,000 dwelling units in Newhall Ranch may temporarily discharge wastewater to the Valencia WRP. The conditions include payment of the standard SCVSD connection fee (fair share of the cost of the existing infrastructure) and transfer of

² A copy of the Interconnection Agreement is found in **Appendix F4.11** of the Landmark Village Revised Final EIR (September 2011).

title of the 22-acre Newhall Ranch WRP site to the NRSB. Newhall Ranch residents also would pay the SCVSD an annual service charge to cover the full cost of treating their wastewater at the Valencia WRP. Temporary treatment of wastewater at the Valencia WRP would not eliminate the need for the project applicant (Newhall) to construct the Newhall Ranch WRP. Prior to building more than 6,000 dwelling units, Newhall must construct the Newhall Ranch WRP to serve Newhall Ranch development and finance the new sewerage system. In addition, the Valencia WRP has the available capacity for temporary treatment of the Newhall Ranch wastewater (up to 6,000 dwelling units); thus, no negative impact to the CSD's sewerage system is expected.³

The Newhall Ranch Specific Plan Revised Draft EIR (March 1999) and the Revised Additional Analysis (May 2003) evaluated the environmental impacts related to development of the Specific Plan, including construction of the Newhall Ranch WRP to a project level and the new sewerage facilities at a programmatic level to serve the Specific Plan. The County is in the process of completing further CEQA compliance of the Newhall Ranch wastewater/sewer system at the project level for both Landmark Village and Mission Village in two pending project EIRs. Both the Landmark Village RDEIR and the Mission Village Draft EIR note that the environmental effects of constructing and operating the Newhall Ranch WRP at buildout were evaluated at the project-level in the prior certified Newhall Ranch Specific Plan environmental documentation. Both EIRs have identified options to treat wastewater generated by each project during the interim until the Newhall Ranch WRP is constructed. Specifically, both EIRs identified an option to construct a pump station at each project site where wastewater would be pumped back to the existing Valencia WRP until such time as the first phase of the Newhall Ranch WRP is constructed. (See, e.g., Landmark Village RDEIR, Section 1.0, Project Description, pp. 1.0-78 through 1.0-79 and Figure 1.0-32.)

As part of the project applicant's separate but related Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan (RMDP/SCP) project, Newhall also has committed to constructing, if needed, interim chloride reduction and demineralization facilities (proposed interim chloride facilities) to further treat Newhall Ranch project wastewater, until such time as the first phase of the Newhall Ranch WRP is constructed (i.e., up to 6,000 dwelling units per the terms of the 2002 Interconnection Agreement). The Newhall Ranch RMDP/SCP EIS/EIR, prepared jointly by CDFG and the U.S. Army Corps of Engineers (Corps), evaluated the proposed interim chloride facilities at a program level, stating that the project EIRs for Landmark Village and Mission Village would evaluate such facilities at the project level.

³ Moreover, the environmental implications of the build-out of the Valencia WRP to its capacity were assessed in the SCVSD's certified EIR for the 2015 Santa Clarita Valley Joint Sewerage System Facilities Plan, which is incorporated by reference and available at http://www.lacsd.org/info/publications_n_reports/wastewater_reports/final2015scv/default.asp or upon request to SCVSD.

3. Regional Regulatory Efforts

The Los Angeles Regional Water Quality Control Board (RWQCB) protects groundwater and surface water quality in the Los Angeles Region, including the coastal watersheds of Los Angeles and Ventura counties, along with very small portions of Kern and Santa Barbara counties. The RWQCB adopted chloride objectives for individual reaches of the Santa Clara River as part as the Water Quality Control Plan for the Los Angeles Region (Basin Plan). The chloride objectives were established on what were assumed to be background water conditions at specific locations within the reaches and also protection of the off-stream agricultural beneficial use.

Under section 303(d) of the Clean Water Act, states are required to develop lists of waters that do not meet water quality standards even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that states develop TMDLs for these impaired waters. High levels of chloride in the Santa Clara River have caused listings for impairment, and chloride TMDLs have been developed and adopted into the Basin Plan.

The RWQCB's adopted chloride TMDL is described in the RWQCB staff report, dated November 24, 2008; RWQCB Resolution; Basin Plan Amendments; and other pertinent documents, which are available on the RWQCB's website, located at http://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/bpa_69_2008-012_td.shtml (last accessed August 24, 2011), and incorporated by reference.

In connection with this regional effort, the RWQCB acted as the lead agency for evaluating the environmental effects of the amended chloride TMDL, adoption of conditional site-specific objectives (SSOs) for chloride in river reaches and groundwater basins in the Upper Santa Clara River watershed, and other interim wasteload allocations (sulfate and total dissolved solids). The result of this effort led to RWQCB's completion and approval of the "Substitute Environmental Document for the Upper Santa Clara River Chloride TMDL Reconsideration and Conditional Site Specific Objectives," which was prepared under the CEQA requirements for a certified regulatory program. RWQCB's environmental documentation was based on the amended chloride TMDL that was considered and approved as an amendment to the Basin Plan. This environmental documentation is available on RWQCB's website, found at http://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/bpa_69_2008-012_td.shtml (last accessed August 24, 2011), and incorporated by reference.

The County acknowledges the regional efforts summarized above. However, the County considers these regional efforts to be well beyond the scope of a project-level EIR for a proposed development project. Nonetheless, the County has made a good-faith effort to respond further below to the comments received

on the Landmark Village Recirculated Draft EIR, even though several of the comments address the broader regional chloride reduction efforts underway in the Upper Santa Clara River watershed.

4. County Planning Efforts

On March 23, 1999, and, again, on May 27, 2003, the County's Board of Supervisors (Board) certified the environmental documents for the Newhall Ranch Specific Plan and the Newhall Ranch WRP. The certified 1999 Newhall Ranch Revised Draft EIR and the Revised Additional Analysis (May 2003) evaluated the Newhall Ranch WRP at a project level, and the new sewerage facilities at a programmatic level to serve the Specific Plan. The County Board of Supervisors also approved the Newhall Ranch WRP under Conditional Use Permit No. 94-087-(5). The Newhall Ranch WRP is to provide treatment of the wastewater generated within the Specific Plan as well as produce recycled water for the Specific Plan area.

The Newhall Ranch WRP's certified environmental analysis is found in Section 5.0 of the Newhall Ranch Revised Draft EIR (March 8, 1999) and Section 3.0 of the Newhall Ranch Revised Additional Analysis, Volume VIII (May 2003). Section 3.0 assessed and updated various Newhall Ranch WRP alternatives, including the approved Newhall Ranch WRP site.

The 1999 Newhall Ranch Revised Draft EIR and the 2003 Revised Additional Analysis contain Mitigation Measure SP 5.0-52, requiring formation of a county sanitation district for the Newhall Ranch Specific Plan area. This requirement also is included in the adopted Mitigation Monitoring Plan for the Newhall Ranch Specific Plan. Other mitigation measures (Mitigation Measures SP 5.0-22 and SP 5.0-55) require the Newhall Ranch WRP to be designed and operated in accordance with a National Pollutant Discharge Elimination System (NPDES) permit, to be obtained from the RWQCB, Los Angeles Region.

To fulfill these mitigation requirements and establish a logical plan for development of the new district and its infrastructure, the Newhall Land and Farming Company (Newhall) and the Sanitation Districts Nos. 36 and 32, later consolidated as the SCVSD, entered into the Interconnection Agreement, dated January 9, 2002.

The Interconnection Agreement ensures that the developer (Newhall) provides the necessary land and infrastructure for the logical development and implementation of the Newhall Ranch WRP. The Agreement was considered and approved by the District 26 and District 32 Boards at their January 9, 2002 meeting, which was noticed, the subject of an agenda, and open to the public in compliance with the Brown Act. Further, the Agreement was referenced in previous County staff reports supporting formation of the new NRSD (see, for example, Department of Public Works (DPW) staff report to the

Board of Supervisors, dated December 1, 2005, pages 3-4; and DPW's staff report to the Board, dated January 18, 2011, page 3, both of which are incorporated by reference).

As explained, the Interconnection Agreement sets conditions under which the first 6,000 dwelling units in Newhall Ranch may temporarily discharge wastewater to the SCVSD's Valencia WRP. The Interconnection Agreement specifies that Newhall must fund construction of the Newhall Ranch WRP, which is contemplated to be constructed in stages as the Specific Plan area is developed, and it sets conditions under which the first 6,000 dwelling units in Newhall Ranch (i.e., the Landmark Village and Mission Village projects) may temporarily discharge wastewater to the Valencia WRP.

Temporarily treating wastewater from the first 6,000 Newhall Ranch dwelling units at the Valencia WRP is a practical engineering decision based on the need to build up an adequate, steady flow of wastewater before starting up the Newhall Ranch WRP. The Interconnection Agreement does not impact the SCVSD's ability to comply with the chloride TMDL. As discussed, the Valencia WRP has available capacity for interim treatment of Landmark Village and Mission Village wastewater. The SCVSD supports this interim action for these same reasons. Please refer to the SCVSD's memorandum to the County Board of Supervisors, dated March 8, 2011. The memorandum and attachments are found in **Appendix F4.3** of the Landmark Village Revised Final EIR.

On December 13, 2005, the County's Board adopted a resolution of intent to form the new district to be known as the NRSD. The Board also approved an Addendum to the Newhall Ranch EIR and Additional Analysis, which evaluated the environmental effects of NRSD formation. The Addendum determined that formation of the NRSD would not result in new or substantially more severe environmental impacts than those discussed in the prior Newhall Ranch environmental documents.

Thereafter, the County initiated proceedings for the formation of the NRSD, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. On June 14, 2006, the Local Agency Formation Commission (LAFCO) for Los Angeles County adopted a resolution approving formation of the NRSD. On July 27, 2006, LAFCO issued a Certificate of Completion for formation of the NRSD.

On January 18, 2011, the County's Board considered a resolution confirming formation of the NRSD. In doing so, the Board found that formation of the NRSD was within the scope of the previously certified Newhall Ranch EIR and Addendum.

5. Environmental and Regulatory Setting

a. Existing/Baseline Environmental Conditions

The existing water quality in Santa Clara River Reach 5 is summarized in the Landmark Village Recirculated Draft EIR, Section 4.3, pages 4.3-27 through 4.3-52, and Appendix 4.3, Water Quality Technical Report (February 2008), pages 16-43. Overall, the average chloride concentrations in Santa Clara River Reach 5 during recent dry weather monitoring conducted by Newhall for the Newhall Ranch WRP NPDES permitting process ranged between 97 mg/L and 140 mg/L. The average chloride concentration observed in monitoring data collected by Los Angeles County during wet weather in the Santa Clara River at The Old Road, just upgradient of the project location, was about 43 mg/L.

b. Regulatory Background and History

(1) Chloride TMDL

As stated above, the RWQCB has developed and adopted an amended chloride TMDL. The chloride TMDL is part of the Basin Plan. Please see the Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design**, for further information regarding RWQCB's adoption of the chloride TMDL.

The chloride TMDL process resulted in an alternative TMDL implementation plan that addresses chloride impairment of surface waters and degradation of groundwater. The alternative plan, the AWRMP (also known as the Alternative Compliance Plan, or ACP), was first set forth by the Upper Basin water purveyors and United Water Conservation District (UWCD), the management agency for groundwater resources in the Ventura County portions of the Upper Santa Clara River watershed. The AWRMP increases chloride WQOs in certain groundwater basins and reaches of the Upper Santa Clara River watershed, decreases the chloride objectives in the eastern Piru Basin, and results in an overall reduction in chloride loading as well as water supply benefits⁴.

The AWRMP, which is described in detail in the GSWI Task 2B-2 Report,⁵ consists of advanced treatment for a portion of the recycled water from the Valencia WRP; construction of a well field in the eastern Piru basin to pump out higher chloride groundwater; discharging the blended pumped groundwater and advanced treated recycled water to Reach 4A at the western end of the Piru basin at a chloride

⁴ Los Angeles Regional Water Quality Control Board (LARWQCB), 2008. Upper Santa Clara River Chloride TMDL Reconsideration, Conditional Site Specific Objectives for Chloride, and Interim Wasteload Allocations for Sulfate and Total Dissolved Solids Staff Report. November 24, 2008.

⁵ Geomatrix, 2008. Draft Task 2b-2 Report - Assessment of Alternatives for Compliance Options Using the Groundwater/Surface Water Interaction Model Upper Santa Clara River Chloride TMDL Collaborative Process.

concentration not to exceed 95 mg/L; and conveyance of supplemental water and advanced treated recycled water to the Santa Clara River.

For further background information, please see the RWQCB's November 24, 2008, staff report found in **Appendix F4.3** of the Landmark Village Revised Final EIR, September 2011 (see, specifically, "Upper Santa Clara River Chloride TMDL Reconsideration and Conditional Site Specific Objectives for Chloride and Interim Wasteload Allocations for Sulfate and Total Dissolved Solids Staff Report," RWQCB, November 24, 2008).

(2) Valencia WRP NPDES Conditions and Operating Criteria

The SCVSD discharges tertiary-treated wastewater to the Santa Clara River from the Valencia WRP pursuant to Order No. R4-2009-0074 and NPDES Permit No. CA0054216.⁶ The Valencia WRP has a current design capacity of 21.6 mgd and serves an estimated population of 162,661.⁷

The Valencia WRP is part of the SCVSD's regional system that also includes the Saugus WRP. The regional system allows biosolids, solids, and excess influent flows from the Saugus WRP to be diverted to the Valencia WRP for treatment and disposal. The Valencia WRP currently receives wastewater from the City of Santa Clarita and unincorporated areas of Los Angeles County. The wastewater is a mixture of pretreated industrial and residential wastewater.

Recently, however, Ventura County, Ventura County Agricultural Water Quality Coalition, and UWCD have expressed concerns to the RWQCB over a perceived lack of progress by the SCVSD for compliance with the chloride TMDL. The SCVSD responded to those claims by letter to the RWQCB, dated May 9, 2011.

Pertinent excerpts from SCVSD's May 9, 2011 letter to the RWQCB are provided below:

"[T]he 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 [May 9, 2011 letter] Figure 2). This is especially remarkable given the fact that the

⁶ Los Angeles Regional Water Quality Control Board, 2009. Order No. R4-2009-0074 (NPDES No. CA0054216), Waste Discharge Requirements for the Santa Clarita Valley Sanitation District of Los Angeles County, Valencia Water Reclamation Plant Discharge to Santa Clara River.

⁷ Los Angeles Regional Water Quality Control Board, 2009. Fact Sheet for Order No. R4-2009-0074 (NPDES No. CA0054216), Waste Discharge Requirements for the Santa Clarita Valley Sanitation District of Los Angeles County, Valencia Water Reclamation Plant Discharge to Santa Clara River.

period of 2007 through March 2011 was a drought.⁸ 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 ([May 9, 2011 letter] 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 [be] 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. . . .

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 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

⁸ 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.

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.

...

[T]he 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.

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

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. 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.

...

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.

...

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 [the May 9, 2011 letter] 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." (See May 9, 2011 letter, Attachment 1, pp. A1 through A-8.)

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

The above information sets forth the SCVSD's progress to date since the chloride TMDL was adopted. Based on the above, the SCVSD has provided estimates and time frames for completion of the work necessary in devising a revised ACP. These efforts are ongoing.

On May 27, 2011, the Los Angeles RWQCB issued administrative Notices of Violation to SCVSD regarding the Valencia and Saugus WRPs. The RWQCB notified SCVSD by letter that it was out of compliance with the administrative requirements established in Order Nos. R4-2009-0074 (Valencia WRP) and R4-2009-0075 (Saugus WRP) for not completing Task 17(a) in Attachment K of the Orders. Task 17(a) requires completion of a Wastewater Facilities Plan and programmatic EIR for facilities to comply with final permit effluent limits for chloride. The RWQCB's letters stated that the SCVSD was to respond in writing by June 27, 2011.

On June 27, 2011, the SCVSD responded in writing to the RWQCB. In the response, the SCVSD committed to complying with all applicable legal and regulatory requirements, including completing Task 17(a) of the Upper Santa Clara River Chloride TMDL implementation schedule by recommending to its Board of Directors at the next regularly scheduled Board meeting that staff prepare a Wastewater Facilities Plan and EIR for facilities to comply with a final effluent chloride limit of 100 mg/L at the point of discharge and begin design of the facilities. On July 26, 2011, the SCVSD Board of Directors approved the staff recommendation.

As part of the June 27 SCVSD response, and in an earlier May 2, 2011 letter to the RWQCB, SCVSD stated that it believes that an alternative compliance approach that incorporates facilities different from those facilities previously identified in the AWRMP, or ACP, which respond to changed chloride conditions as of 2011 would fully protect all designated beneficial uses in the Santa Clara River watershed. The changed conditions outlined in the SCVSD response include:

- Chloride levels in the Upper Santa Clara River have improved significantly since 2009, in part as a result of court-imposed pumping restriction on State Water Project (SWP) operations, coupled with implementation of groundwater banking and pump back operations along the SWP aqueduct. Peak SWP chloride concentrations at Castaic Lake during drought conditions have been reduced from historical values exceeding 100 mg/L to a current range of 80 – 85 mg/L.
- SCVSD has achieved a significant reduction of effluent chloride levels through the water softener renewal program. As a result of this program and the improved SWP water quality, effluent chloride levels have dropped approximately 70 mg/L since 2003. Further actions by the SCVSD, including a water softener ban enforcement program which has been initiated and the commitment to upgrade the Valencia and Saugus WRPs to ultraviolet disinfection, will further lower effluent chloride levels by 10 mg/L to 15 mg/L.
- Surface water chloride levels at the County line averaged 120 mg/L in 2009, the final year of a 4-year drought, 111 mg/L in 2010, and 101 mg/L as of May 2011. The Literature Review Evaluation for the

Upper Santa Clara River identified a chloride level of 117 mg/L as protective of the salt-sensitive agricultural use.

The SCVSD believes that these changed conditions will show that it is more environmentally and economically sound to implement an alternative compliance approach, rather than facilities previously identified in the AWRMP or ACP, in meeting a 100 mg/L final effluent limit. As part of this effort, the SCVSD also intends to perform the modeling and scientific and technical studies necessary to demonstrate the adequacy of an alternative compliance approach and to request reopening of the chloride TMDL at a later time based on the analysis in those studies.

Nonetheless, the SCVSD has committed to immediately initiate efforts to complete a Wastewater Facilities Plan and EIR for facilities to comply with a final effluent chloride limit of 100 mg/L and begin design of the facilities. The SCVSD also estimates that it will complete the Wastewater Facilities Plan and EIR by December 31, 2012.

In order to comply with the chloride TMDL and the final effluent chloride limit of 100 mg/L, the SCVSD will likely need to add facilities because existing treatment processes do not provide chloride removal. No decision has been made regarding how the SCVSD will achieve compliance with the chloride TMDL; however, the long-term compliance schedule established in RWQCB's revised chloride TMDL Resolution No. R4-2008-12 (December 11, 2008) allows time for attaining compliance.⁹

As stated above, the SCVSD will treat the wastewater from the first 6,000 dwelling units within the Specific Plan (up to 1.6 mgd) at the Valencia WRP, as needed, pursuant to the 2002 Interconnection Agreement. This treatment would occur until such time as the first phase of the Newhall Ranch WRP is constructed. To address chloride in the Newhall Ranch Specific Plan wastewater discharges in the interim period, the applicant has committed to constructing chloride reduction facilities. Treated effluent from the Valencia WRP would be piped to the proposed demineralization site (using reverse osmosis or equivalent). Treated effluent would be piped back to the Valencia WRP and blended with treated effluent so that up to approximately 6,000 dwelling units (approximately 1.6 mgd) of effluent generated by Newhall Ranch Specific Plan in the interim condition would be discharged at less than 100 mg/L for chloride. The brine by-product of the chloride reduction process would be piped within the project utility corridor north along The Old Road, west on Henry Mayo Drive, and north on Commerce Center Drive, to the brine disposal well facility, located in the Valencia Commerce Center, north of Castaic Creek. The piping north of the utility corridor along Commerce Center Drive also would be installed within the existing road right-of-way. The piping needed to transport effluent from the demineralization facility to

⁹ The WLA-based final effluent limit for chloride becomes operative 11 years after the effective date of the Upper Santa Clara River Chloride TMDL (5/4/2016).

the injection wells will be sized to the satisfaction of the SCVSD. The applicant has applied to USEPA for approval to construct the brine injection well facility. Please see the Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design**, pp. TR-12-7 through TR-12-9, for a further description and analysis of the interim chloride reduction facilities.

6. Existing Chloride Concentration at Valencia WRP

The SCVSD completed a detailed and comprehensive study of the sources of chloride loading in the Santa Clarita Valley.¹⁰ Subsequently, the RWQCB and County Sanitation Districts staff analyzed chloride sources in the Upper Santa Clara River watershed.¹¹ These analyses utilized mass balance techniques to identify and quantify chloride loads from imported water and residential, commercial, industrial, and WRP sources.

These reports found that the chloride in Valencia WRP effluent is comprised of two main sources: (1) chloride present in the potable water supply; and (2) chloride added by residents, businesses, and institutions in the Valencia WRP service area. Potable water in the Santa Clarita Valley is derived from two sources: imported water delivered under the SWP and local groundwater. The chloride concentration in these two sources varies depending on a number of factors, most notably rainfall patterns. The chloride concentrations in Santa Clarita Valley water supplies that include SWP water are variable and, during times of extended dry weather or drought, exceed the 100 mg/L Basin Plan objective for the Santa Clara River. Chloride concentrations in Santa Clarita Valley water supplies ranged from 52 mg/L to 85 mg/L from 2002 to 2010.¹²

The chloride load added by users can be further divided into two parts: brine discharge from self-regenerating water softeners (SRWS) and all other loads added by users. Excluding chloride concentration in the water supply, non-SRWS sources of chloride include: residential, commercial, industrial, infiltration, and wastewater disinfection. Based on the SCVSD's 2002 chloride source study, once this water was delivered to homes and businesses for interior use, the use of SRWS added an additional 78 mg/L of chloride concentration to the water supply before it was disposed of in the sewer for treatment. This high chloride addition suggested that source controls could be a significant means for improving water quality in the Santa Clara River.

¹⁰ Sanitation Districts of Los Angeles County, *Santa Clarita Valley Joint Sewerage System Chloride Source Report*, October 2002. The year 2001 was used as a basis for the study.

¹¹ Los Angeles Regional Water Quality Control Board (LARWQB), 2008. Upper Santa Clara River Chloride TMDL Reconsideration, Conditional Site Specific Objectives for Chloride, and Interim Wasteload Allocations for Sulfate and Total Dissolved Solids Staff Report. November 24, 2008.

¹² Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, Table 3.9-2, pg.3-21.

Based upon the results of the 2002 study, the SCVSD adopted an ordinance prohibiting the installation and use of new SRWS in 2003. Further, SCVSD implemented Automatic Softener Rebate Programs in 2005 (Phase I) and 2007 (Phase II), followed by the 2009 Ordinance that required removal and disposal of all SRWS installed in the SCVSD's service area. These efforts have resulted in significant reduction of chloride generated by SRWS. Based on the SCVSD's "2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan," (November 2010), concentration of chloride produced by SRWS was 6 mg/L in the SCVSD final effluent in the first half of 2010. SCVSD's goal is to completely eliminate SRWS from the SCVSD's service area.

Other residential sources of chloride include human waste, laundering, other cleaning activities, and swimming pool filter backwash; this loading adds approximately 22 mg/L of chloride in the SCVSD final effluent.¹³ The combined chloride load from commercial, industrial and hauled non-industrial waste represents approximately 7 percent of the overall chloride concentration in the SCVSD's final effluent (which corresponds to 10 mg/L chloride).¹⁴ Current disinfection practices at the SCVSD's Valencia and Saugus WRPs contribute about 12 mg/L, representing approximately 9 percent of the total effluent chloride concentration.¹⁵

7. Expected Chloride Concentration in Landmark Village and Mission Village Wastewater

The Landmark Village and Mission Village projects are expected to produce wastewater chloride concentrations similar to those in the existing SCVSD service area. The Landmark Village and Mission Village projects will not use SWP water, but will be supplied with local groundwater from the Alluvial aquifer with an average chloride concentration of 82 mg/L (concentrations ranging from 74 to 96 mg/L have been measured in E Wells),¹⁶ similar to the chloride concentrations in Santa Clarita Valley water supplies from 2002 to 2010.

As described in the Landmark Village Recirculated Draft EIR, **Section 4.10, Water Service**, the Landmark Village project potable water demand would be met by the Valencia Water Company through the use of Newhall's rights to 7,038 afy of groundwater from the Alluvial aquifer, which is presently used by Newhall for agricultural irrigation. In addition, due to project conditions, the amount of groundwater

¹³ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, Table 3.9-2, pg.3-21.

¹⁴ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, Table 3.9-2, pg.3-21.

¹⁵ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, Table 3.9-2, pg.3-21.

¹⁶ See Landmark Village Recirculated Draft EIR, **Appendix 4.10**.

that will be used to meet the potable demands of the Newhall Ranch Specific Plan, including the Landmark Village project, cannot exceed the amount of water historically and presently used by Newhall for agricultural uses. Therefore, no net increase in groundwater use will occur with implementation of this project pursuant to the Specific Plan.

If the Newhall Ranch WRP is not operating at the time of Landmark Village or Mission Village project occupancy, the project's non-potable water demand would be met through the use of recycled water from the Valencia WRP. Accordingly, the proposed project's water demand would be met by relying on two primary sources of water supply, namely, Newhall's agricultural water supplies and recycled water supplied by the Newhall Ranch WRP or the existing Valencia WRP. Because these two independent water sources meet the water needs of the proposed project, no potable water would be needed from the existing or planned water supplies of the Castaic Lake Water Agency (CLWA), including imported water from CLWA's SWP supplies.

While the Landmark Village and Mission Village projects are part of the potable water system for the entire Specific Plan, these projects would not rely on Nickel water to satisfy their potable water demands. As reported in the Newhall Ranch Revised Additional Analysis, Section 2.5, Water Resources (Volume VIII, May 2003), the Nickel water would only be utilized on the Specific Plan site in years when the Newhall agricultural water has been used (i.e., 7,038 acre-feet per year), which is estimated to occur after approximately the 21st year of Newhall Ranch project construction.

Furthermore, Newhall is conditioned to prohibit "self-regenerating water softeners," or SRWS, in Newhall Ranch and SCVSD staff will recommend that the NRSD enact a ban similar to the SRWS ban in Santa Clarita Valley. Thus, this significant source of chloride will not be present in the wastewater from the Landmark Village and Mission Village projects.

As shown in the Landmark Village Recirculated Draft EIR, Section 4.11, Table 4.11-1, Landmark Village Wastewater Generation, residential land uses will generate about 73 percent of the total wastewater generated and commercial land uses would generate the remaining 27 percent. Based on the chloride concentrations identified in the *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, the overall chloride concentration in the Landmark Village wastewater can be calculated as: (percent residential wastewater generated multiplied by residential concentration) + (percent commercial wastewater generation multiplied by commercial concentration) = total chloride concentration. The average chloride concentration in the Landmark Village project's groundwater supply is approximately 82 mg/L,¹⁷ the non-SRWS residential chloride concentration is 31 mg/L above water

¹⁷ Landmark Village Recirculated Draft EIR, Appendix 4.10.

supply concentration, and the commercial concentration accounts for 33 mg/L above the water supply concentration,¹⁸ Given these parameters, the concentration of chloride in the Landmark Village and Mission Village interim wastewater discharges to the Valencia WRP would be about 113 mg/L.^{19,20} After consideration of the chloride concentration attributable to disinfection practices at the Valencia WRP (12 mg/L),²¹ the Valencia WRP effluent concentration of treated Landmark Village and Mission Village wastewater would be approximately 125 mg/L.

In comparison, the average Valencia WRP effluent chloride concentration from 2000 through 2010 was 159 mg/L, with a maximum of 195 mg/L in 2003 and minimum of 128 mg/L in 2010.²² Thus, the interim discharge of wastewater from the Valencia WRP due to the Landmark Village and Mission Village projects' wastewater would have similar chloride concentrations (assuming complete elimination of SRWS from SCVSD's service area), or would lower chloride concentrations in discharges from the Valencia WRP (if SRWS are not completely eliminated).

Thus, the interim discharge of wastewater from the Valencia WRP due to the Landmark Village and Mission Village projects' wastewater would have a less than significant impact on chloride in the Santa Clara River because: (a) the discharge of wastewater from the Valencia WRP has been demonstrated to be similar as between the Landmark Village and Mission Village projects' wastewater and the wastewater from existing Santa Clarita Valley communities; (b) the use of the Valencia WRP for treatment of Landmark Village and Mission Village wastewater (i.e., first 6,000 dwelling units) would be temporary until construction of the Newhall Ranch WRP; and (c) the Valencia WRP has sufficient capacity to accommodate the interim wastewater discharge from the first 6,000 dwelling units from Newhall Ranch's Landmark Village and Mission Village projects.

8. Valencia WRP Capacity

Please see the Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design**, for a discussion and analysis of the Valencia WRP capacity, which is sufficient to temporarily treat the Newhall Ranch project wastewater at the Valencia WRP, as needed, until such time as the first phase of the Newhall Ranch WRP is constructed.

¹⁸ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, pg.3-14.

¹⁹ $[0.76*(82+31)] + [0.24*(82+33)] = 113.0$ mg/L chloride

²⁰ The concentration of chloride in the wastewater discharges for both Landmark Village and Mission Village are the same because the same relative amount of residential and non-residential land uses are proposed.

²¹ Sanitation Districts of Los Angeles County, *2010 Chloride Source Identification/Reduction, Pollution Prevention, and Public Outreach Plan*, November 2010, Table 3.9-2, pg.3-21.

²² Data provided by Santa Clarita Valley Sanitation Districts.

9. Cost Implication for Discharges to Valencia WRP

Please see the Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design**, for a discussion of the cost implications of the interim treatment of Newhall Ranch project wastewater at the Valencia WRP, as needed, until such time as the first phase of the Newhall Ranch WRP is constructed.

10. Referenced Documents

The documents used in preparing this response, as referenced in the footnotes, are available for public review and inspection by request to the County's Department of Regional Planning and are incorporated by this reference.

New Topical Response 14: Water Quality

Background

The Landmark Village Recirculated Draft EIR, **Section 4.3, Water Quality, Appendix 4.3**, Landmark Village Water Quality Technical Report, and the *Newhall Ranch Specific Plan Sub-Regional Stormwater Mitigation Plan* Geosyntec, 2008 (Sub-Regional Stormwater Mitigation Plan) set forth the urban runoff management program that would be implemented for the proposed project. As reflected in the Sub-Regional Stormwater Mitigation Plan, the Landmark Village project incorporated Project Design Features (PDFs) to address water quality and hydrologic impacts. These PDFs include site design, low impact development (LID), source control, treatment control, and hydromodification control best management practices (BMPs).

Most of the BMPs will promote infiltration and recharge groundwater. To promote infiltration and groundwater recharge, the project design calls for clustering development within the Newhall Ranch Specific Plan area into villages. Approximately 74 percent (10,145 acres) of the Specific Plan area will remain undeveloped open space. LID BMPs that promote retention of urban runoff are included as PDFs. (See, Sub-Regional Stormwater Mitigation Plan and Landmark Village Recirculated Draft EIR, Section 4.3, Water Quality.) However, the water quality modeling conducted for the impact analysis does not account for the stormwater runoff that would be retained in these LID BMPs.

In response to comments from the Regional Water Quality Control Board (RWQCB or Regional Board), the project applicant (Newhall) has selected LID BMPs that maximize on-site retention of runoff from the water quality design storm (i.e., the first 0.75 inch of precipitation). These BMPs include LID requirements similar to those in the Regional Board's recently adopted Ventura County MS4 National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R4-2010-0108), even though the Ventura MS4 Permit does not apply to the Landmark Village project, because the project is located entirely within Los Angeles County.

The revised Ventura County MS4 Permit requires that applicable projects reduce Effective Impervious Area (EIA) to less than or equal to 5 percent ($\leq 5\%$) of the total project area, unless infeasible. Impervious surfaces are rendered "ineffective" if the design storm volume is fully retained on the project site using infiltration, reuse, and/or evapotranspiration retention BMPs. Biofiltration BMPs may be used to achieve the 5% EIA standard if retention BMPs are technically infeasible, but must be sized to capture 150 percent of the design storm volume.

LID Performance Standard

A LID Performance Standard conceptually similar to the LID requirements in the Ventura County NPDES MS4 Permit has been developed and quantified for the proposed project. The LID BMP Performance Standard is illustrated in **Figure F-5, Landmark Village LID Performance Standard**, and described below:

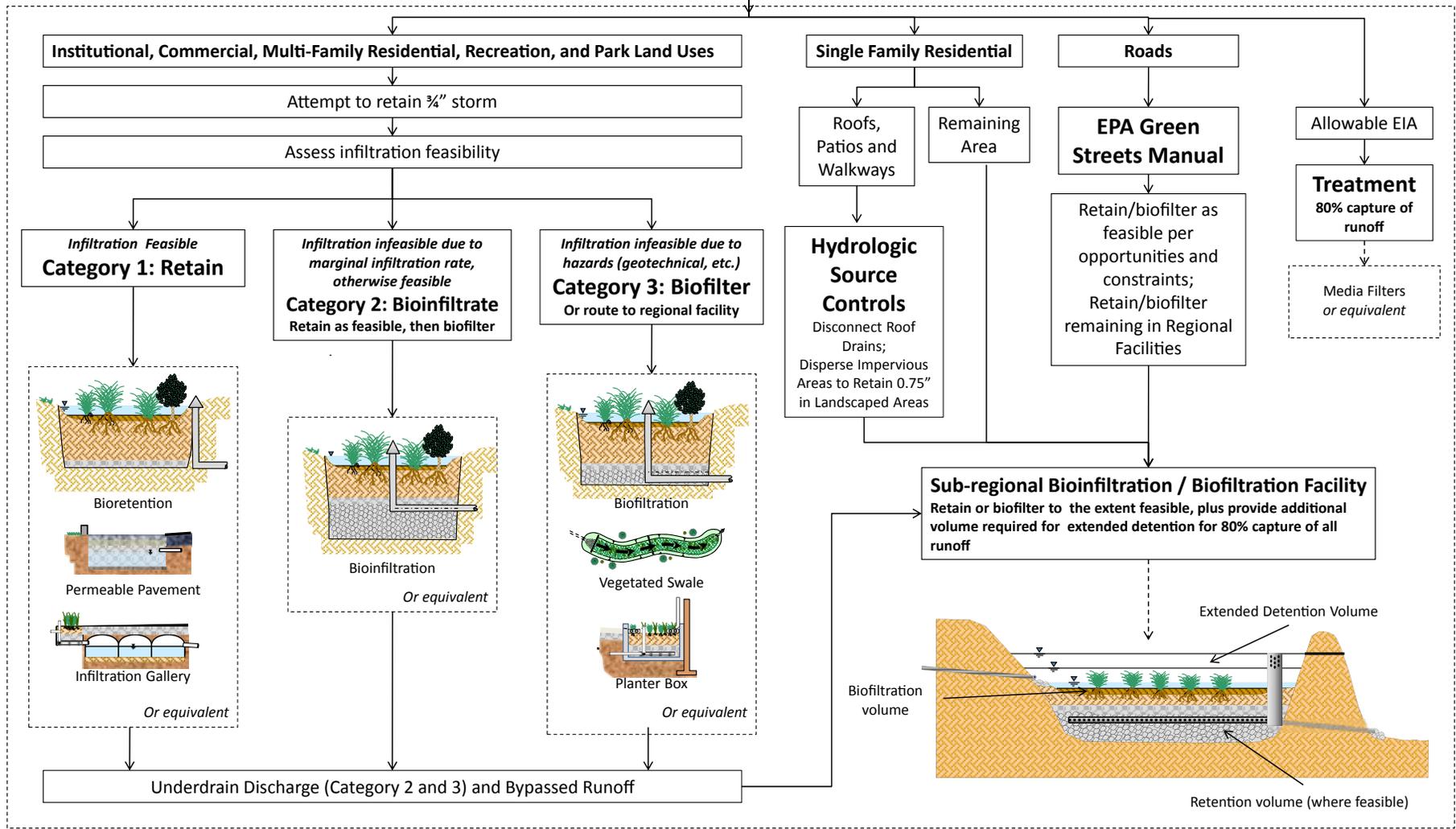
LID PDFs shall be selected and sized to: (1) fully retain the volume of stormwater runoff produced from a 0.75 inch storm event; and (2) reduce the percentage of EIA to 5 percent or less of the total project area within the vesting tentative map and associated off-site project area. Runoff from all EIA shall be subject to treatment control measures that are selected to address the pollutants of concern and are sized to capture and treat 80 percent of the average annual runoff volume.

This LID Performance Standard will be implemented as follows:

1. Institutional, commercial, multi-family residential, recreation, and park land use parcels would implement retention or biofiltration BMPs on-site to the extent feasible. Based on an assessment of feasibility, one of three BMP strategies would be applied as outlined below:
 - a. *Infiltration feasible*: If it is feasible to infiltrate all of the developed area runoff produced from the 0.75 inch design storm (i.e., soil infiltration rates are at least 0.5 inch per hour, fill depth is less than 10 feet, and no infiltration geotechnical hazards exist (such as landslides and terrace escarpments)), infiltration BMPs would be used. Infiltration BMPs include bioretention (without an underdrain), permeable pavement, infiltration galleries, infiltration basins or trenches, or an equivalent infiltration BMP.
 - b. *Bioinfiltration allowable when infiltration rates or deep fill depths are present*: If the parcel has low soil infiltration rates (i.e., the soil infiltration rate is less than 0.5 inch per hour) or the depth of fill is greater than 10 feet, but no other technical infeasibility concerns exist, bioinfiltration BMPs would be used. Bioinfiltration facilities are similar to bioretention facilities with an underdrain, but they include storage below the underdrain to maximize the volume infiltrated. These facilities would retain a portion of the runoff from the design storm, then biofilter the remaining runoff from the design storm.
 - c. *Infiltration is not allowable*: If infiltration is technically infeasible due to geotechnical hazards or a high ground water table, then biofiltration BMPs would be used. These BMPs would biofilter the runoff produced from the design storm from the developed area.

LANDMARK VILLAGE LID PERFORMANCE STANDARD

LID project design features (PDFs) shall be selected and sized to retain the volume of stormwater runoff produced from a 0.75 inch storm event to reduce the percentage of Effective Impervious Area (EIA) to 5 percent or less of the total project area within the vesting tentative map project and associated off-site project area. Runoff from all EIA shall be treated with treatment control measures that are selected to address the pollutants of concern and are sized to capture and treat 80 percent of the average annual runoff volume.



SOURCE: Geosyntec Consultants – September 2011

FIGURE F-5

Landmark Village LID Performance Standard

2. Runoff from roofs, patios, and walkways in single family residential parcels would be distributed over landscaped areas designed to fully retain the volume of runoff from the 0.75 inch storm event. Runoff from the remaining parcel area and that which does not infiltrate in the landscaped area would flow through the storm drain system to the regional infiltration/biofiltration facilities.
3. Runoff from roadways would be retained or biofiltered in retention or biofiltration BMPs sized to capture the design storm volume or flow, per the guidance in U.S. Environmental Protection Agency's (USEPA) *Managing Wet Weather with Green Infrastructure: Green Streets*.
4. No more than 5% of the total project area would be treated using conventional treatment methods that address the pollutants of concern. In this case, media filters (or equivalent BMPs that address the pollutants of concern) would be sized to capture and treat 80% of the average annual runoff volume from the allowable EIA.
5. Regional infiltration/biofiltration facilities also would be implemented. The regional facilities would be designed to incorporate a biofilter in the bottom of the facility, which would allow for infiltration if feasible, with detention storage above the biofilter. The regional facilities would infiltrate or biofilter the design storm volume that has not been retained or biofiltered on the parcels in the area tributary to the regional facility. They also would provide extended detention treatment for the additional runoff volume required to provide 80 percent capture and treatment of the average annual runoff volume per the Newhall Ranch Specific Plan Sub-Regional Stormwater Mitigation Plan treatment performance standard.

Methodology

A load-based water quality model was used to estimate pollutant loads and concentrations in project area stormwater runoff for pre-development conditions and post-development conditions with the LID BMPs described above. This model was coupled with hydrologic and hydraulic modules of USEPA SWMM v4.4h to quantify the volume reduction and capture efficiency of the BMPs.

Table TR-14-1, below, provides a list of model inputs and the sources for these inputs. For further detail, please see Appendix B of the *Landmark Village Water Quality Technical Report* (Recirculated Draft EIR, Appendix 4.3) (LVWQTR) and Revised Final EIR, **Appendix F4.3**.

**Table TR-14-1
Model Input Requirements and Assumptions**

Model Input	Assumption/Source
Hourly long-term rainfall record	<ul style="list-style-type: none"> National Climatic Data Center (NCDC) Newhall (046162) and San Fernando (047762) rain gauge data from 1969-2008
Green-Ampt soil parameters	<ul style="list-style-type: none"> Natural Resource Conservation Service Soil Data Mart Table 5.5.5 – Handbook of Hydrology (Maidment, ed. 2003)
Land use-based imperviousness	<ul style="list-style-type: none"> LA County Hydrology Manual (LACDPW, 2006)
Land use-based stormwater runoff event mean concentrations	<ul style="list-style-type: none"> Los Angeles County 1994-2000 Integrated Receiving Water Impacts Report, 2000 Los Angeles County 2000-2001 Stormwater Monitoring Report, 2001 Ventura County Watershed Protection District As analyzed for the Los Angeles Structural BMP Prioritization and Assessment Tool (LACDPW, City of Los Angeles, and Heal the Bay, 2008)
Volume and flow-based BMP design criteria	<ul style="list-style-type: none"> 80% Capture of Average Annual Runoff Volume (NRSP Sub-Regional SWMP (Geosyntec, 2008))
BMP selection criteria	<ul style="list-style-type: none"> Select and locate BMPs with a preference for infiltration. Select BMPs to infiltrate the runoff volume from the 0.75-inch design storm to the extent feasible and biofilter the remaining fraction of the 80 percent capture volume. Evaluate degree of feasibility of infiltration based on land use type, native soil infiltration rate, proposed cut and fill, depth to groundwater, presence of landslides that will remain after remedial grading, and other geotechnically or ecologically based constraints.
Volume reduction and LID BMPs analyzed quantitatively	<ul style="list-style-type: none"> Clustering (preservation of open space) Hydrologic source controls Distributed retention, bioinfiltration, and biofiltration BMPs Regional infiltration, bioinfiltration, and biofiltration facilities Media filters

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

Model Input	Assumption/Source																		
Volume reduction modeling parameters	<ul style="list-style-type: none"> • Hydrologic source controls: equal ratio of disconnected of rooftops and patios to landscaped areas receiving disconnection • On-site BMPs: <table border="1" data-bbox="574 354 1325 512"> <thead> <tr> <th>Feasibility Constraint Category</th> <th>Design infiltration rate (in/hr)</th> </tr> </thead> <tbody> <tr> <td>Category 1: Retention</td> <td>0.38</td> </tr> <tr> <td>Category 2: Bioinfiltration</td> <td>0.15</td> </tr> <tr> <td>Category 3: Biofiltration</td> <td>0</td> </tr> </tbody> </table> • Regional Facilities: <table border="1" data-bbox="574 558 1325 835"> <thead> <tr> <th>Feasibility Constraint Category</th> <th>Design infiltration rate (in/hr)</th> </tr> </thead> <tbody> <tr> <td>Category 1: Infiltration with Extended Detention</td> <td>1.25</td> </tr> <tr> <td>Category 2: Bioinfiltration with Extended Detention</td> <td>0.25</td> </tr> <tr> <td>Category 3: Biofiltration with Extended Detention</td> <td>0</td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table> 	Feasibility Constraint Category	Design infiltration rate (in/hr)	Category 1: Retention	0.38	Category 2: Bioinfiltration	0.15	Category 3: Biofiltration	0	Feasibility Constraint Category	Design infiltration rate (in/hr)	Category 1: Infiltration with Extended Detention	1.25	Category 2: Bioinfiltration with Extended Detention	0.25	Category 3: Biofiltration with Extended Detention	0		
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Category 2: Bioinfiltration with Extended Detention	0.25																		
Category 3: Biofiltration with Extended Detention	0																		
LID BMP effluent quality	<ul style="list-style-type: none"> • ASCE/USEPA (American Society of Civil Engineers Urban Water Resources Research Council and United States Environmental Protection Agency) 2011, International Stormwater Best Management Practices Database (www.bmpdatabase.org); <i>Reanalysis of expanded database conducted January 2011)</i> 																		

The land use areas analyzed for this response are listed in **Table TR-14-2**, below, and illustrated in **Figure F-6**. These land use areas are for the revised project design included in the Landmark Village Revised Final EIR, **New Topical Response 12: Revised Project Design**.

**Table TR-14-2
Summary of Scenarios Analyzed**

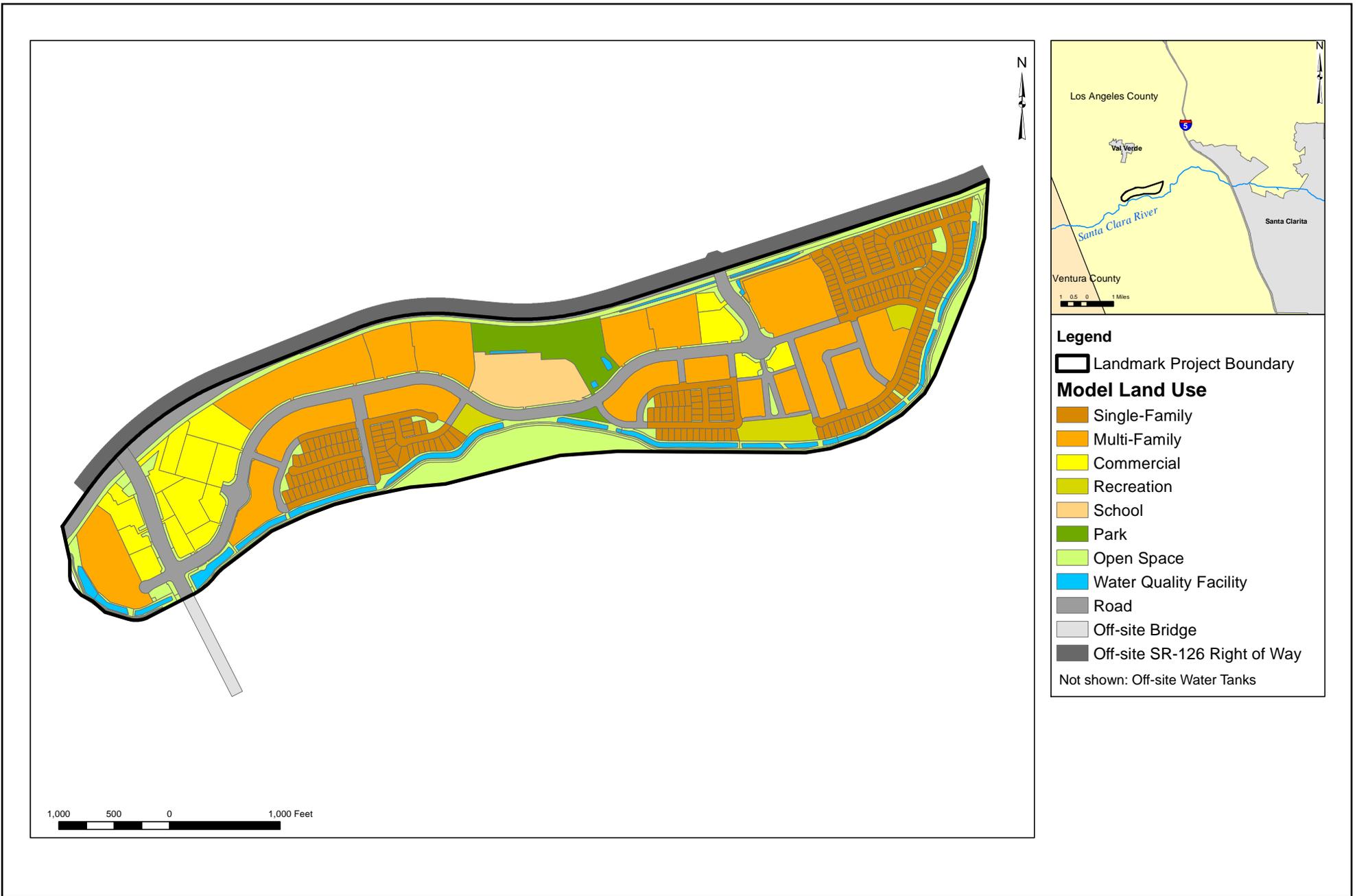
Land Use Designation	Landmark Village Project (Acres)
Single-Family ¹	53.9
Multi-Family	82.9
Commercial ²	27.3
School	9.7
Road ³	41.6
Open Space	51.2 ⁴
Park	10.1
Recreation	5.8
Water Quality Facility	10.1
<i>Total</i>	292.6
Off-Site Commercial (Water Tanks)	8.0
Off-Site Road ⁵	98.0
Total Area	398.6

¹ 16.7 acres of residential roads are included in the single-family land use.
² Commercial land use includes Mixed-Use/Commercial, Fire Station, and Park and Ride land uses.
³ Road land use includes minor roads (private drives and access road) and major roads.
⁴ 18.3 acres of open space were not included in the water quality model. 0.7 acres of light rail easement were modeled as open space.
⁵ Off-site roads consist of 2.4 acres of off-site bridge to the south and 95.6 acres of SR-126 right of way to the north.

Results

LID Feasibility Screening for the Project Area

An assessment of infiltration feasibility was conducted to estimate, for the project area, which one of three BMP strategies could be applied on site and whether the sub-regional bioinfiltration/biofiltration facilities would allow for infiltration. The project area was analyzed using geologic information, soils information, proposed remedial grading plans, final grades, and applicable feasibility criteria from the Los Angeles County LID Standards Manual. This analysis categorized project areas into three levels of infiltration feasibility:



SOURCE: Geosyntec Consultants – September 2011

FIGURE **F-6**

Landmark Village Land Use Areas

Infiltration was considered to be feasible directly from the bottom of BMPs in locations where underlying soils infiltration rates were estimated to be greater than 0.5 inch per hour and the proposed depth of compacted fill was estimated to be less than 10 feet.

1. Infiltration was considered to be feasible through the use of dry wells in locations where underlying soils infiltration rates were estimated to be greater than 0.5 inch per hour and greater than 10 feet of separation was estimated to exist from the bottom of proposed fill to the seasonally high groundwater table.
2. Infiltration was considered to be partially feasible in the remaining areas. No hazards were identified that would preclude the use of some level of infiltration.

The results of this feasibility screening are illustrated in **Figure F-7**. **Figure F-8** illustrates the LID BMPs for the project area based on the feasibility screening.

Project Impact Assessment for Modeled Pollutants of Concern

Table TR-14-3, below, shows the predicted changes in project stormwater runoff volume and mean annual loads for the modeled pollutants of concern. **Table TR-14-4**, below, shows the predicted changes in concentration in stormwater runoff for the project area.

Table TR-14-3
Predicted Average Annual Runoff Volume and Pollutant Loads

Parameter	Units	Existing Conditions	Developed Conditions with no BMPs	Developed Conditions w/ LID	Change w/LID
Volume	acre-ft	130	384	261	131
TSS	tons/yr	37	38	12	-25
Total Phosphorus	lbs/yr	548	490	193	-355
Nitrate-N + Nitrite-N	lbs/yr	1,219	1,005	432	-787
Ammonia-N	lbs/yr	215	525	147	-68
Total Nitrogen	lbs/yr	2,137	3,118	1,277	-860
Chloride	tons/yr	3.7	8.2	5.2	1.5
Dissolved Copper	lbs/yr	10	20	8	-2
Total Lead	lbs/yr	4.5	8.4	3.0	-1.5
Dissolved Zinc	lbs/yr	63	152	45	-18
Total Aluminum ¹	lbs/yr	487	711	231	-256

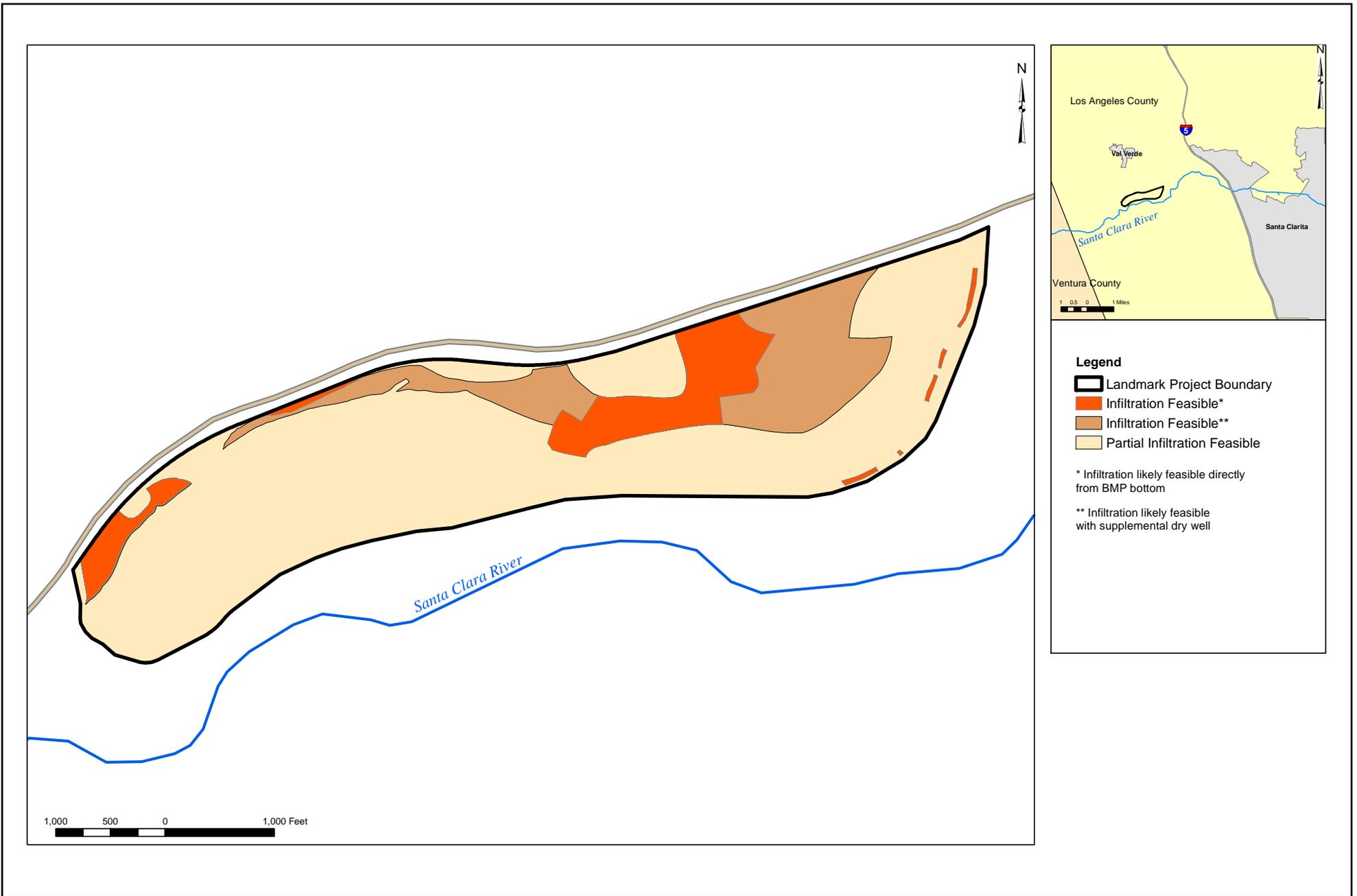
¹ BMP effectiveness studies in the International Stormwater BMP database infrequently monitor aluminum; therefore, insufficient effluent data were available to model the removal effectiveness of treatment control BMPs for this water quality constituent. In order to estimate the reduction in total aluminum load and concentration, TSS removal was used as a surrogate.

Table TR-14-4
Predicted Average Annual Pollutant Concentrations

Parameter	Units	Existing Conditions	Developed Conditions with no BMPs	Developed Conditions w/ LID	Change w/LID
TSS	mg/L	192	72	33	-159
Total Phosphorus	mg/L	1.4	0.5	0.3	-1.1
Nitrate-N + Nitrite-N	mg/L	3.0	1.0	0.6	-2.4
Ammonia-N	mg/L	0.6	0.5	0.2	-0.4
Total Nitrogen	mg/L	6	3	2	-4
Chloride	mg/L	20	16	14	-6
Dissolved Copper	µg/L	28	20	10	-18
Total Lead	µg/L	12	8	4	-8
Dissolved Zinc	µg/L	185	146	60	-125
Total Aluminum ¹	µg/L	1282	678	323	-959

¹ BMP effectiveness studies in the International Stormwater BMP database infrequently monitor aluminum; therefore, insufficient effluent data were available to model the removal effectiveness of treatment control BMPs for this water quality constituent. In order to estimate the reduction in total aluminum load and concentration, TSS removal was used as a surrogate.

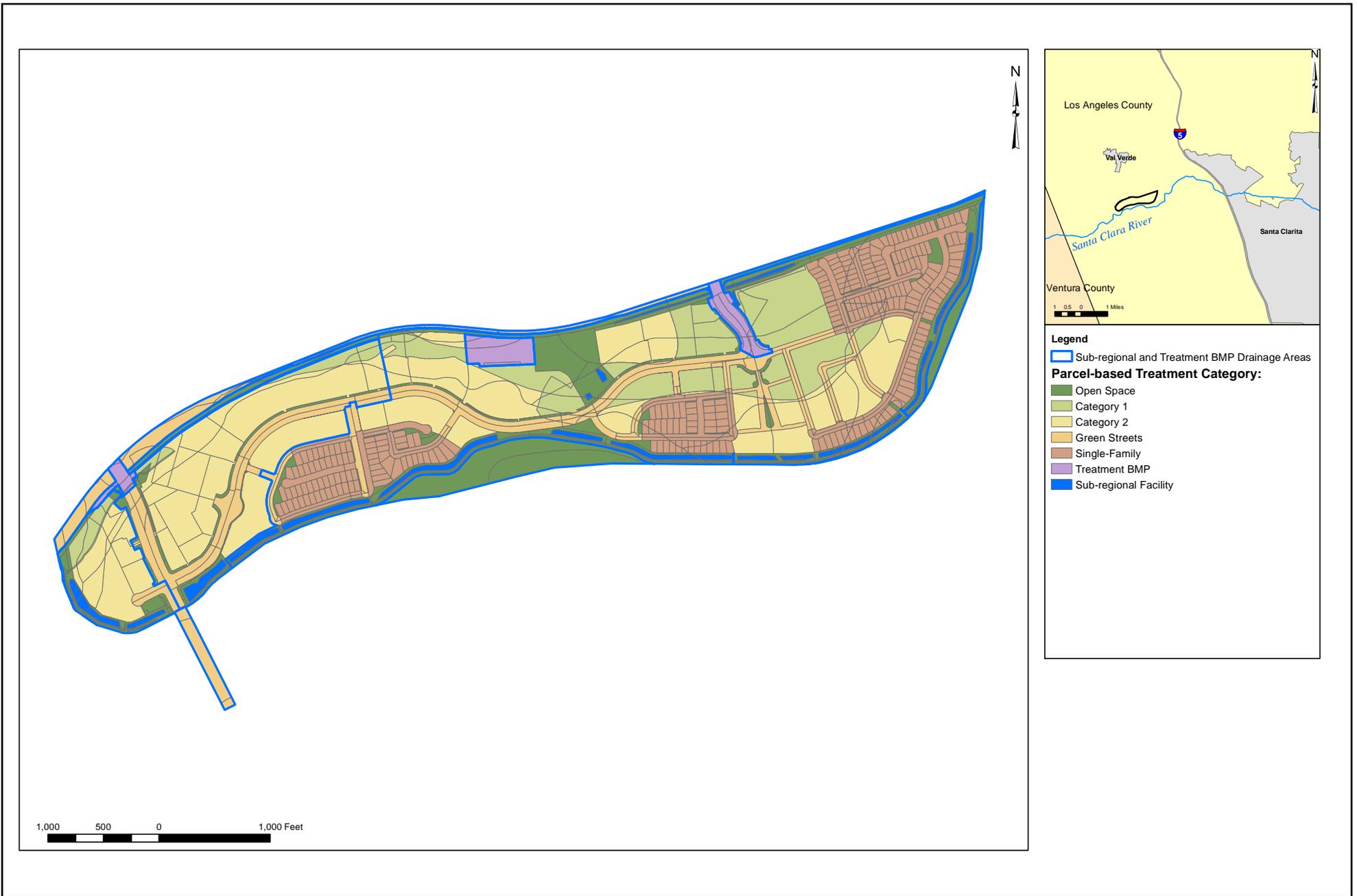
Even with LID design features and BMPs, the project would result in increased runoff volume and chloride loads. However, with LID PDFs and BMPs, total suspended solids (TSS), total phosphorous, nitrate-N + nitrite-N, ammonia-N, total nitrogen, dissolved copper, total lead, dissolved zinc, and total aluminum loads would decrease, when compared to existing conditions, as would concentrations of all modeled constituents. The increase in runoff volume results from the increase in impervious surfaces at the site, as well as from reduced infiltration capacity due to compaction of site soils during construction. The change in pollutant concentrations can be attributed to the proposed shift in land uses – i.e., from agricultural and open space land uses (existing condition at the site) compared with urban land uses (post-development conditions) in combination with the reductions in concentration achieved in the LID and biofiltration BMPs. Change in pollutant load is a function of the increase in runoff volume and the relative change in pollutant concentration; if the predicted reduction in pollutant concentration is small, then the predicted runoff load of that pollutant may increase.



SOURCE: Geosyntec Consultants – September 2011

FIGURE **F-7**

Landmark Village Regional Facilities and Infiltration Feasibility Constraints



SOURCE: Geosyntec Consultants – September 2011

FIGURE **F-8**

Landmark Village Distributed BMP Model Categories

The predicted average annual TSS, nutrients, and chloride concentrations in stormwater runoff from the total modeled project area are compared to water quality criteria in **Table TR-14-5** below. The concentrations of all modeled pollutants are predicted to decrease and to be below the Basin Plan water quality objectives (WQOs) and total maximum daily load waste load allocation (TMDL WLAs) benchmark criteria because of the change in land uses and the implementation of LID and treatment control BMPs. Although chloride load is predicted to increase, chloride concentration is predicted to be well below the benchmark criteria. Concentrations and loads of TSS, total phosphorus, and nitrate-nitrogen plus nitrite-nitrogen are predicted to decrease and to be below benchmark criteria. In addition, all predicted concentrations are within the observed range of concentrations within Santa Clara River Reach 5. Based on the comprehensive LID implementation strategy, the predicted decrease in runoff concentrations, and the comparison with benchmark criteria and instream concentrations, water quality impacts related to TSS, nutrients, and chloride would be less than significant with implementation of the LID BMPs.

Comparison of the predicted runoff metal concentrations and the acute California Toxics Rule (CTR) criteria for dissolved copper, total lead, dissolved zinc, and total aluminum are shown in **Table TR-14-6**, below. The comparison of the post-developed with LID condition to the benchmark CTR values shows that all of the trace metal concentrations are predicted to be below the benchmark water quality criteria. Predicted trace metals concentrations are within the range of observed concentrations in Santa Clara River Reach 5, except for dissolved zinc, which is above the range of observed concentrations.

There is no CTR criterion for aluminum, although there is a National Ambient Water Quality Criteria (NAWQC) criterion (750 µg/L (acute) for a pH range of 6.5 to 9.0) in the form of acid soluble aluminum (USEPA, 1988). It is not possible to directly compare the predicted aluminum concentration to this criterion, as the available monitoring data used for modeling are for either dissolved aluminum or total aluminum. Acid soluble aluminum (which is operationally defined as the aluminum that passes through a 0.45 µm membrane filter after the sample has been acidified to a pH between 1.5 and 2.0 with nitric acid) represents the forms of aluminum toxic to aquatic life or that can be converted readily to toxic forms under natural conditions. The acid soluble measurement does not measure forms of aluminum that are included in total aluminum measurement, such as aluminum that is occluded in minerals, clays, and/or is strongly adsorbed to particulate matter, which are not toxic and are not likely to become toxic under natural conditions. The predicted mean total aluminum concentration is less than the NAWQC benchmark criterion for acid soluble aluminum, is predicted to decrease in the post-development condition, and is within the range of observed concentrations in Santa Clara River Reach 5.

Table TR-14-5
Comparison of Predicted TSS, Nutrient, and Chloride Concentrations for
the Landmark Village Project Area with Water Quality Objectives, TMDLs, and
Observed Concentrations in Santa Clara River Reach 5

Pollutant	Predicted Average Annual Concentration w/LID (mg/L)	Basin Plan Water Quality Objectives (narrative or mg/L)	Wasteload Allocations for MS4 Discharges into the Santa Clara River Reach 5 (mg/L)	Range of Observed¹ Concentrations in Santa Clara River Reach 5 (mg/L)	Average Wet Weather² Concentration at Station S29 (Days > 0.1")
TSS	33	Water shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses	NA	32 – 51,200	1,060
Total Phosphorus	0.3	Waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses	NA	0.18 – 13.4	0.58
Total Nitrogen	2		NA	<0.04 – 46 ⁶	4.4
Nitrate-N + Nitrite-N	0.6	5	6.8 ³	0.5 – 4.8	0.9
Ammonia-N	0.2	2.2 ⁴	1.75 ⁵	<0.005 – 1.1	0.20
Chloride	14	100	100	3 - 121	43

¹ Range of concentrations observed in the Santa Clara River during wet weather (Stations S29, NR1, and NR3).

² Average concentration observed in wet weather monitoring data at Station S29 for all storm events greater than 0.1 inch.

³ 30-day average.

⁴ 4-day average, ELS present, 90th percentile pH and temperature pairing observed at USGS Monitoring Station 11108500.

⁵ 30-day average in Reach 5 below Valencia.

⁶ Observed values for TKN (ammonia plus organic nitrogen).

Based on the comprehensive LID implementation strategy, the predicted decrease in runoff concentrations, and the comparison with benchmark objectives and instream concentrations, water quality impacts related to metals would be less than significant with implementation of the proposed LID BMPs.

Table TR-14-6
Comparison of Predicted Trace Metal Concentrations for the Landmark Village Project Area with Water Quality Criteria and Observed Concentrations in Santa Clara River Reach 5

Metal	Predicted Average Annual Concentration w/LID (µg/L)	California Toxics Rule Criteria ¹ (µg/L)	Range of Observed ² Concentrations in Santa Clara River Reach 5 (µg/L)	Average Wet Weather ³ Concentration at Station S29 (Days > 0.1")
Dissolved Copper	10	32	3.3 – 22.6	7.3
Total Lead	4	260	0.6 – 40	18
Dissolved Zinc	60	250	3 – 37	19
Total Aluminum	323	N/A	131 – 19,650	5,500

¹ Hardness = 250 mg/L, based on minimum observed value at USGS Station 11108500. Lead criteria is for total recoverable lead. There is no CTR criterion for aluminum.

² Range of concentrations observed in the Santa Clara River during wet weather (Stations S29, NR1, and NR3).

³ Average concentration observed in wet weather monitoring data at Station S29 for all storm events greater than 0.1 inch.

Assessment of Potential Project Impacts on Instream Concentrations

The potential for project runoff to impact instream pollutant concentrations is a function of: (1) the relative magnitudes of runoff volume and instream flow volume; and (2) the relative magnitude of runoff concentrations and instream concentrations. The instream pollutant concentration with project contributions can be calculated using a simple mass balance equation:

$$C_{IS} = \frac{V_O \times C_O + V_P \times C_P}{V_O + V_P} \quad \text{Equation 1}$$

Where:

C_{IS} = Instream Concentration with Project Runoff

V_O = Instream Volume Upstream of Project

C_O = Instream Concentration Upstream of Project

V_P = Volume of Runoff from Project Area

C_P = Concentration of Runoff from Project Area

This relationship can also be expressed as:

$$C_{IS} = \frac{L_O + L_P}{V_O + V_P} \quad \text{Equation 2}$$

Where:

L_O = Instream Constituent Load Upstream of Project

L_P = Constituent Load in Runoff from Project Area

Based on these relationships, two universal conditions can be identified under which a project would not increase instream concentration:

- **Condition 1:** If the concentration of a constituent in project runoff (C_P) is less than the concentration of the constituent instream (C_O), then discharges from the project would result in a reduction of the instream concentration of that constituent; it would not be possible for the project's discharges to cause an increase in the instream concentration. Two extreme cases can be used to demonstrate this statement:
 - a. First, given that C_P is less than C_O , take the case where V_P is much less than V_O (e.g., the project size is small relative to the size of the watershed). In this case, the instream concentration, after receiving project runoff, would effectively equal C_O , although slightly less, indicating effectively no change in the instream concentration as a result of the project's discharges.
 - b. Given that C_P is less than C_O , take the case where V_P is much greater than V_O (the project size is very large relative to the size of the watershed). In this case, the instream concentration, after receiving project runoff, would effectively equal C_P , indicating that the project would reduce instream concentration because C_P is less than C_O .
- **Condition 2:** If the load of a constituent in project runoff (L_P) decreases with development, but the volume of runoff from the project increases (V_P), then the project would be expected to result in a reduction of the instream concentration of that constituent regardless of instream volumes or concentrations. It would be impossible for the project to result in an increase in the instream concentration by reducing load but adding volume. In equation 2, this would effectively increase the numerator while reducing the denominator, which must cause the instream concentration to decrease.

The comparison project concentrations under post-developed conditions with LID implementation to the existing instream concentrations shows that all pollutant concentrations in the project's runoff, except dissolved zinc, are predicted to be below the average wet-weather instream concentration (Condition 1). On this basis, the project would be expected to result in a reduction in the instream concentrations of these constituents.

Based on predicted changes in loads and volumes as a result of the project with LID (**Table TR-14-3**), the average annual load of dissolved zinc is predicted to go down with development, while runoff volumes are predicted to increase (Condition 2). On this basis, the project would be expected to result in a reduction in the instream concentrations of dissolved zinc.

Cumulative Impact Assessment for LID Implementation

The LVWQTR evaluates cumulative impacts for the unincorporated area of Los Angeles County west of The Old Road to the Los Angeles County/Ventura County line. This geographic area includes the Newhall Ranch Specific Plan, Entrada, Legacy Village, and the remaining unbuilt portions of the Valencia Commerce Center. The LID Performance Standard described above also would be implemented by the other Specific Plan villages and the Entrada, Legacy Village, and Valencia Commerce Center projects.

The combined effect of LID implementation on modeled pollutant loads and concentrations of the Newhall Ranch Specific Plan, Entrada, Legacy Village, and the Valencia Commerce Center projects are summarized in **Tables TR-14-7** and **TR-14-8**, below, respectively. As shown in **Table TR-14-7**, when considered cumulatively, runoff volumes and loads of ammonia, dissolved copper, dissolved aluminum, and chloride are predicted to increase from the Newhall Ranch Specific Plan, Entrada, Legacy Village, and Valencia Commerce Center projects, while pollutant loads are expected to decrease for TSS, total phosphorus, nitrate-N + nitrite-N, total nitrogen, total lead, dissolved zinc, and total aluminum. Pollutant concentrations from the combined projects are predicted to decrease for all modeled parameters (**Table TR-14-8**). Increases in pollutant loadings are not anticipated to be significant based on the fact that predicted pollutant concentrations are well below benchmark water quality standards and TMDL wasteload allocations and are primarily within the range of observed concentrations in Santa Clara River Reach 5 (**Table TR-14-9**).

Table TR-14-7
Predicted Average Annual Combined Runoff Volume and Pollutant Loads for the NRSP, Legacy Village, Entrada, and Valencia Commerce Center Projects

Modeled Parameter	Units	Development Condition			Change
		Existing	Developed with no BMPs	Developed with LID	
Volume	acre-ft	1,500	4,900	3,400	1,900
TSS	tons/yr	650	650	340	-310
Total Phosphorus	lbs/yr	5,500	4,300	1,800	-3,700
Nitrate-N + Nitrite-N	lbs/yr	16,000	13,700	6,100	-9,900
Ammonia-N	lbs/yr	1,900	7,500	2,100	200
Total Nitrogen	lbs/yr	25,000	44,000	19,000	-6,000
Chloride	tons/yr	43	135	88	45
Dissolved Copper	lbs/yr	32	130	55	23
Total Lead	lbs/yr	42	102	40	-2
Dissolved Zinc	lbs/yr	400	1,110	390	-10
Dissolved Aluminum	lbs/yr	640	1,800	1,260	620
Total Aluminum	lbs/yr	6,300	10,400	5,400	-900

Table TR-14-8
Predicted Average Annual Combined Pollutant Concentrations for the NRSP,
Legacy Village, Entrada, and Valencia Commerce Center Projects

Modeled Parameter	Units	Development Condition			Change
		Existing	Developed with no BMPs	Developed with LID	
TSS	mg/L	330	100	70	-260
Total Phosphorus	mg/L	1.4	0.3	0.2	-1.2
Nitrate-N + Nitrite-N	mg/L	4.0	1.0	0.7	-3.3
Ammonia-N	mg/L	0.5	0.6	0.2	-0.3
Total Nitrogen	mg/L	6	3	2	-4
Chloride	mg/L	22	20	19	-3
Dissolved Copper	µg/L	8	10	6	-2
Total Lead	µg/L	10	8	4	-6
Dissolved Zinc	µg/L	100	80	40	-60
Dissolved Aluminum	µg/L	160	130	140	-20
Total Aluminum	µg/L	1,580	780	590	-990

Table TR-14-9
Comparison of Predicted Pollutant Concentrations for the NRSP, Entrada,
Legacy Village, and Valencia Commerce Center Projects with Water Quality Criteria
and Observed Concentrations in Santa Clara River Reach 5

Modeled Parameter	Units	Predicted Average Annual Concentration	TMDL/ LA Basin Plan Water Quality Objectives	California Toxics Rule Criteria ¹	Wasteload Allocations for MS4 Discharges into the Santa Clara River Reach 5	Range of Observed ² Concentrations in Santa Clara River Reach 5	Average Wet Weather ³ Concentration at Station S29 (Days > 0.1")
TSS	mg/L	70	Water shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses	NA	NA	32 – 51,200	1,060
Total Phosphorus	mg/L	0.2	Waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses	NA	NA	0.18 – 13.4	0.58
Total Nitrogen	mg/L	2		NA	NA	<0.04 – 46 ⁷	4.4
Nitrate-N + Nitrite-N	mg/L	0.7	5	NA	6.8 ⁴	0.5 – 4.8	0.9
Ammonia-N	mg/L	0.2	2.0 ⁵	NA	1.75 ⁶	<0.005 – 1.1	0.20
Chloride	mg/L	19	100	NA	100	3 - 121	43
Dissolved Copper	µg/L	6	NA	32	NA	3.3 – 22.6	7.3
Total Lead	µg/L	4	NA	260	NA	0.6 – 40	18

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

Modeled Parameter	Units	Predicted Average Annual Concentration	TMDL/ LA Basin Plan Water Quality Objectives	California Toxics Rule Criteria ¹	Wasteload Allocations for MS4 Discharges into the Santa Clara River Reach 5	Range of Observed ² Concentrations in Santa Clara River Reach 5	Average Wet Weather ³ Concentration at Station S29 (Days > 0.1")
Dissolved Zinc	µg/L	40	NA	250	NA	3 – 37	19
Total Aluminum	µg/L	590	NA	NA	NA	131 – 19,650	5,500

¹ Hardness = 250 mg/L, based on minimum observed value at USGS Station 11108500. Lead criteria is for total recoverable lead. There is no CTR criterion for aluminum.

² Range of concentrations observed in the Santa Clara River during wet weather (Stations S29, NR1, and NR3).

³ Average concentration observed in wet weather monitoring data at Station S29 for all storm events greater than 0.1 inch.

⁴ 30-day average.

⁵ 4-day average, ELS present, 90th percentile pH and temperature pairing observed at USGS Monitoring Station 11108500.

⁶ 30-day average in Reach 5 below Valencia.

⁷ Observed values for TKN (ammonia plus organic nitrogen).

As discussed above, the project’s effluent is not expected to cause or contribute to a violation of the water quality standards in the project’s receiving waters. Therefore, the project’s incremental effects on surface water quality are not considered significant.

The Landmark Village project’s surface runoff water quality, after PDFs, both during construction and post-development, is predicted to comply with adopted regulatory requirements that are designed by the RWQCB to assure that regional development does not adversely affect water quality, including MS4 Permit and SUSMP requirements, Construction General Permit requirements, General Dewatering Permit requirements, benchmark Basin Plan water quality objectives, CTR criteria, and TMDLs. Any future urban development occurring in the Santa Clara River watershed also must comply with these requirements. By extrapolating the results of the direct and cumulative impact analysis in this topical response, it can be predicted that analysis of other proposed developments, when combined with existing conditions, would have similar water quality results. Therefore, cumulative impacts on surface water quality of receiving waters from the project and future urban development in the Santa Clara watershed are addressed through compliance with the MS4 Permit and SUSMP requirements, Construction General Permit requirements, General Dewatering Permit requirements, benchmark Basin Plan water quality objectives, CTR criteria, and TMDLs, which are intended to be protective of beneficial uses of the receiving waters. Based on compliance with these requirements designed to protect beneficial uses, cumulative water quality impacts would be reduced to a less than significant level.

Conclusion

None of the modeled pollutants of concern are expected to adversely affect water quality in surface waters, unreasonably affect present or anticipated beneficial uses of such waters, result in water quality less than that prescribed in the Basin Plan, or significantly impact receiving waters due to implementation of the comprehensive LID Implementation Plan. Therefore, potential impacts from the Landmark Village project on receiving water quality would not be significant.

References

The following documents were used in preparing this topical response, and are incorporated by reference and available for public review and inspection upon request to the Los Angeles County Department of Regional Planning, 320 West Temple Street, Room 1348, Los Angeles, California 90012.

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2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

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New Topical Response 15: 2010 Urban Water Management Plan

This topical response updates information found in the Landmark Village Recirculated Draft EIR, Section 4.10, Water Service. The source of the updated information is the 2010 Urban Water Management Plan (UWMP), which was adopted by the Castaic Lake Water Agency (CLWA) and the retail water purveyors in June 2011. Information presented in the 2010 UWMP supports the conclusion in the Landmark Village Recirculated Draft EIR that an adequate and sustainable supply of local and imported water is available to meet all future water supply needs of the Santa Clarita Valley, including the Landmark Village project, without creating significant environmental impacts. The 2010 UWMP is found in the Landmark Village Revised Final EIR, **Appendix F4.10**.

Introduction

The California Urban Water Management Planning Act (UWMP Act) requires that urban water suppliers assess water supply reliability that compares total projected water use with the expected water supply over the next 20 years in five-year increments. The UWMP Act also requires an assessment for a single dry year and multiple dry years. It is the stated goal of CLWA and the retail water purveyors to deliver a reliable and high quality water supply for their customers, even during dry periods. Water suppliers are permitted to work together to develop a regional plan for the CLWA service area. This approach has been adopted by CLWA and the retail water suppliers in the Santa Clarita Valley (Valley), which jointly sponsored the 2010 UWMP.

In this topical response, emphasis is made to the 2010 UWMP's description of water reliability planning (2010 UWMP, Section 6), including an update to water supplies and water demand for the Santa Clarita Valley. In addition to reliability planning, the 2010 UWMP includes specific sections addressing the following topical areas:

- **Section 2:** Water Use (including historical and projected water use)
- **Section 3:** Water Resources (including local and imported water supplies)
- **Section 4:** Recycled Water
- **Section 5:** Water Quality (including information regarding perchlorate and chlorides)
- **Section 7:** Water Demand Management Measures (including water conservation objectives), and
- **Section 8:** Water Shortage Contingency Planning (in response to potential water shortages and water supply disruptions)

These sections of the 2010 UWMP are summarized below. For detailed information regarding these topics, please see the full text of the 2010 UWMP, found in the Landmark Village Revised Final EIR, **Appendix F4.10**.

In summarizing the water reliability planning portion of the 2010 UWMP, certain tables presented in the 2010 UWMP have been reproduced in this topical response. The tables presented here have not been renumbered to maintain consistency with the adopted 2010 UWMP.

Water Supplies, Water Demand, and Reliability Planning (2010 UWMP, Section 6)

Reliability of Water Supplies

Each water supply source has its own reliability characteristics. In any given year, the variability in weather patterns around the state may affect the availability of supplies to the Valley differently. For example, from 2000 through 2002, Southern California experienced dry conditions in all three years. During the same period, Northern California experienced one dry year and two normal years. The Valley is typical in terms of water management in Southern California; local groundwater supplies are used to a greater extent when imported supplies are less available due to dry conditions in the north, and larger amounts of imported water supplies are used during periods when Northern California has wetter conditions. This pattern of “conjunctive use” has been in effect since State Water Project (SWP) supplies first came to the Valley in 1980. SWP and other imported water supplies have supplemented the overall supply of the Valley, which previously depended solely on local groundwater supplies. While each of the Valley’s available supply sources has some variability, the variability in SWP supplies has the largest effect on overall supply reliability.

As discussed in the 2010 UWMP, Section 3.2, each SWP contractor’s Water Supply Contract contains a Table A Amount that identifies the maximum amount of Table A water that contractor may request each year. However, the amount of SWP water actually allocated to contractors each year is dependent on a number of factors that can vary significantly from year-to-year. The primary factors affecting SWP supply availability include the availability of water at the source of supply in Northern California, the ability to transport that water from the source to the primary SWP diversion point in the southern Delta, and the magnitude of total contractor demand for that water. In many years, the availability of SWP supplies to CLWA and the other SWP contractors is less than their maximum Table A Amounts, and can be significantly less in very dry years.

The Department of Water Resources (DWR) has completed the 2009 State Water Project Delivery Reliability Report, prepared biennially (2009 Reliability Report). The 2009 Reliability Report assists SWP contractors and local planners in assessing the reliability of the SWP component of their overall supplies.

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

In its Reliability Reports, DWR presents the results of its analysis of the reliability of SWP supplies, based on model studies of SWP operations. In general, DWR model studies show the anticipated amount of SWP supply that would be available for a given SWP water demand, given an assumed set of physical facilities and operating constraints, based on 82 years of historic hydrology. The results are interpreted as the capability of the SWP to meet the assumed SWP demand, over a range of hydrologic conditions, for that assumed set of physical facilities and operating constraints.

DWR's 2009 Reliability Report presents the results of model studies for years 2009 and 2029. In these model studies, DWR assumed existing SWP facilities and operating constraints for both 2009 and 2029. The primary differences between the two studies are an increase in projected SWP contractor demands, an increase in projected upstream demands (which affects SWP supplies by reducing the amount of inflows available for the SWP), and the inclusion in the 2029 study of potential impacts on historic hydrology of the effects of climate change and accompanying sea level rise. In the report, DWR presents the SWP delivery capability resulting from these studies as a percentage of maximum contractor Table A Amounts. To estimate supply capability in intermediate years between 2009 and 2029, DWR interpolates between the results of those studies.

Table 3-2 below shows CLWA's contractor-specific SWP supplies projected to be available in average/normal years (based on the average delivery over the study's historic hydrologic period from 1922 through 2003). Table 3-2 also summarizes estimated SWP supply availability in a single dry year (based on a repeat of the worst-case historic hydrologic conditions of 1977) and over a multiple dry year period (based on a repeat of the historic four-year drought of 1931 through 1934).

Table 3-2
SWP Table A Supply Reliability (af)(a)(b)

Wholesaler (Supply Source)	2010	2015	2020	2025	2030-2050
Average Water Year(c)					
DWR (SWP)					
Table A Supply	58,300	58,100	57,900	57,600	57,400
% of Table A Amount(d)	61%	61%	61%	61%	60%
Single Dry Year(e)					
DWR (SWP)					
Table A Supply	12,800	11,900	11,000	10,000	9,100
% of Table A Amount	13%	12%	12%	11%	10%
Multi-Dry Year(f)					
DWR (SWP)					
Table A Supply	32,800	32,900	32,900	33,000	33,000
% of Table A Amount	34%	35%	35%	35%	35%

Notes:

- (a) *Supplies to CLWA provided by DWR from detailed delivery results from the analyses presented in DWR's "2009 SWP Delivery Reliability Report." As indicated in the 2009 Reliability Report, the supplies are based on existing SWP facilities and current regulatory and operational constraints.*
- (b) *Table A supplies include supplies allocated in one year that are carried over for delivery the following year.*
- (c) *Based on average deliveries over the study's historic hydrologic period of 1922 through 2003.*
- (d) *Supply as a percentage of CLWA's Table A Amount of 95,200 af.*
- (e) *Based on the worst case historic single dry year of 1977.*
- (f) *Supplies shown are annual averages over four consecutive dry years, based on the historic four-year dry period of 1931-1934.*

Normal, Single-Dry, and Multiple-Dry Year Planning

The water suppliers have various water supplies available to meet demands during normal, single-dry, and multiple-dry years. The following sections elaborate on the different supplies available to the water suppliers including groundwater, recycled water, and imported supplies.

Groundwater: In accordance with the groundwater operating plan for the Santa Clara River Valley Groundwater Basin, East Subbasin (basin), groundwater supplies from the Alluvial Aquifer are planned to be in the range 30,000 to 40,000 acre-feet per year (afy) in average years and 30,000 to 35,000 afy in dry years; supplies from the Saugus Formation are projected to be 7,500 to 15,000 afy in average years and 15,000 to 35,000 afy in dry years. The 2009 Basin Yield Update concluded pumping in those ranges to be sustainable. While there is sufficient Alluvial pumping capacity to achieve the Alluvial groundwater supply (2010 UWMP, Table 3-8), it is planned that the Valencia Water Company (Valencia) will develop some future capacity as it constructs municipal supply wells to replace existing agricultural wells when

planned development converts existing agricultural land use to municipal land use. Existing Saugus pumping capacity is sufficient to achieve about 27,000 afy (2010 UWMP Table 3-9), or about 77 percent of the upper end of the Saugus operating plan. Hence, it is planned that restored capacity (Valencia Well 201) and future Saugus pumping capacity (new wells) will be added to achieve the full range of the Saugus operating plan.

The existing and planned groundwater supplies used in the 2010 UWMP are generally the pumping rates, within the operating plan ranges, that were analyzed in the Basin Yield update. As such, they tend toward the upper ends of the respective ranges except for normal year Saugus pumping, which is closer to mid-range of the Saugus operating plan. For the multiple-dry year period, it was assumed that pumping from the Saugus Formation would be governed by the groundwater operating plan summarized in 2010 UWMP Table 3-5, with average pumping over the 4-year dry period of about 21,500 afy. Total projected Alluvial and Saugus pumping, including pumping by the purveyors and by agricultural and other users, is shown by year type in Tables 3-7 to 3-12 in the 2010 UWMP, Section 3. As shown there, total pumping in each year type remains within the pumping ranges in the groundwater operating plan.

Recycled Water: Recycled water is available from the Saugus Water Reclamation Plant (WRP) and the Valencia WRP. Recycled water is also anticipated to be produced by the Newhall WRP for the Newhall Ranch Specific Plan, as described in the 2010 UWMP, Section 4.

CLWA has completed construction of Phase I of its Recycled Plan, a multi-phased program to deliver recycled water in the Valley. Phase 1 can deliver 1,700 afy of water through the Valencia system. Deliveries of recycled water began in 2003 for irrigation water supply at a golf course and in roadway median strips. In 2010, recycled water deliveries were approximately 325 af.

CLWA completed a preliminary design report in 2009 on the second phase of the Recycled Plan (Phase 2A), which will take water from the Saugus WRP and distribute it to identified users to the north, across the Santa Clara River and then to the west and east. Large irrigation customers will be served with this expansion with a collective design that will increase recycled water deliveries by 500 afy. Recycled water will be further expanded within the region with the South End Recycled Water project (Phase 2C), which will expand the existing recycled water transmission and distribution system southerly to supply recycled water to additional Valencia customers, as well as some customers served by Newhall County Water District (NCWD) and the Santa Clarita Water Division (SCWD). The project includes the planning, designing and constructing Phase 2C of the region's Recycled Plan, with recycled water improvements including various recycled water pipelines and pumping stations resulting in the use of an estimated 910 afy of recycled water.

Overall, the recycled water program is expected to ultimately deliver up to 22,800 afy of treated (tertiary) wastewater suitable for reuse on golf courses, landscaping, and other non-potable uses. Of this total, 21,300 afy is projected use by purveyor customers. This supply is assumed to be available in an average year, a single-dry year, and in each year of a multiple-dry year period.

State Water Project Table A Supply: For the 2010 UWMP, the availability of SWP supplies to CLWA was based on DWR's 2009 Reliability Report, taken from more detailed results provided by DWR from the model studies presented in the 2009 Reliability Report. For the three hydrologic conditions evaluated here, the SWP deliveries to CLWA were taken from DWR's analyses based on the following: average/normal year based on the average deliveries over the studies' 82-year historical hydrologic study period (1922 through 2003), single-dry year based on a repeat of the worst-case historical hydrologic conditions of 1977, and multiple-dry year period based on a repeat of the historical four-year drought of 1931 through 1934.

As discussed in more detail in the 2010 UWMP, Section 3 (see Section 3.2.1.2.3), a planning effort to increase long-term supply reliability for both the SWP and Central Valley Project (CVP) is taking place through the Bay Delta Conservation Plan (BDCP). While the proposed conveyance facilities that are part of the BDCP would increase SWP supply reliability, that increase is not included in the 2010 UWMP. Any of the proposed facilities that are completed would increase SWP reliability beyond the values used throughout the 2010 UWMP.

Flexible Storage Account: Under the Water Supply Contracts with DWR for SWP water, the SWP contractors that share in the repayment of Castaic Lake may access a portion of the storage in that reservoir. This accessible storage is referred to as "flexible storage." The SWP contractors may withdraw water from flexible storage, in addition to their allocated Table A supplies, on an as-needed basis. A contractor must replace any water it withdraws from this storage within five years. As one of the three contractors sharing in the repayment of Castaic Lake, CLWA has access to this flexible storage. Its share of the total flexible storage is currently 4,684 af. After negotiations with Ventura County water agencies in 2005, CLWA gained access to their 1,376 af of flexible storage for 10 years through 2015. While it is expected that CLWA and Ventura County will extend the existing flexible storage agreement beyond the 2015 term, in the 2010 UWMP, it is not assumed to be available beyond 2015.

CLWA plans to use this supply only in dry years. For the single-dry year condition, it was assumed the entire amount would be used. For the multiple-dry year condition, it was assumed that the entire amount would be used sometime during the four-year period, so the average annual supply during that period would be one fourth of the total. Any water withdrawn was assumed to be replaced in intervening average and wet years and would be available again for use in the next dry year.

Buena Vista-Rosedale: Buena Vista Water Storage District (BVWSD) and Rosedale-Rio Bravo Water Storage District (RRBWSD), both member districts of Kern County Water Agency (KCWA), have jointly developed a program that provides both a firm water supply of 11,000 afy and a water banking component. This supply program provides a firm annual water supply available every year based on existing and longstanding Kern River water rights, which is delivered by exchange of Buena Vista's and Rosedale's SWP Table A supplies.

Nickel Water - Newhall Land: This supply is similar to Buena Vista-Rosedale supply both in regard to its source (Kern River water rights) and level of reliability. The supply from this program is up to 1,607 afy of firm supply, which is available in every year. It was acquired by the developer of the Newhall Ranch Specific Plan project to supplement groundwater and recycled water sources of supply for the Newhall Ranch Specific Plan, which is in the CLWA service area. In the 2010 UWMP, it is anticipated that this water supply will be available to Valencia.

Semitropic Banking Program: In 2002, CLWA stored 24,000 af of its allocated SWP Table A supply through a groundwater banking agreement with Semitropic. In 2004, CLWA stored 32,522 af of its 2003 allocated SWP Table A supply in a second Semitropic storage account. Under the terms of those agreements, and after consideration for losses within the groundwater basin, CLWA could withdraw up to 50,870 af when needed within 10 years of when the water was stored. Of this storage, CLWA withdrew 4,950 af in 2009 and 2010, leaving 45,920 af currently available for withdrawal. CLWA executed an amendment for a 10-year extension of each banking agreement with Semitropic in April 2010.

In addition to this short-term storage for CLWA, Semitropic has a long-term groundwater banking program with several other partners. The facilities that Semitropic may use in the return of CLWA's banked water supply are the same facilities that Semitropic may use to return banked water to its long-term banking program partners. As a result, there may be competition for use of those facilities in a particularly dry year, which could limit CLWA's ability to access the water in that year.

CLWA plans to use this supply only in dry years. For the single dry year, it was assumed that competition among Semitropic's banking partners for use of return facilities would limit CLWA's supply to about one third of the storage available, or about 15,000 af. For the multiple-dry year period, it was assumed that the entire amount would be accessible and used sometime during the four-year period, so the average annual supply during that period would be one fourth of the total available, or about 11,500 af. Under the agreements for this program, including the agreement for the 10-year time extension, the stored water must be withdrawn within 20 years of when it was stored. Therefore, it was assumed that this supply is available only through 2023.

Semitropic Banking Program - Newhall Land: As was the case for the Nickel water, the banking program was entered into by the developer of the Newhall Ranch Specific Plan project to firm up the reliability of the water supply for the project, which is in the CLWA service area. The storage capacity of this program is 55,000 af. Newhall Land currently has 23,167 af stored in the Semitropic program. It is anticipated that this supply will be available to Valencia.

Valencia plans to use this supply only in dry years. For the single-dry year, supplies were assumed at the program's maximum withdrawal capacity of 4,950 afy. For the multiple-dry year period, supplies in each year of the dry period were assumed at the program's maximum withdrawal capacity of 4,950 afy and that additional supplies would be banked during wetter years to allow withdrawal of this amount.

Rosedale-Rio Bravo Banking Program: RRBWSD also has developed a water banking and exchange program. CLWA has entered into a long-term agreement with RRBWSD, which provides it with storage and withdrawal capacity of 20,000 afy and up to 100,000 af of storage capacity. Withdrawals from the program can be made by exchange of Rosedale's SWP Table A supply, or by pumpback into the California Aqueduct. CLWA began storing water in this program in 2005 and has since reached the program's maximum storage capacity, with 100,000 af currently available for withdrawal.

CLWA plans to use this supply only in dry years. For the single-dry year, supplies were assumed at the program's maximum withdrawal capacity of 20,000 af. For the multiple-dry year period, it was assumed that supplies would average at least 15,000 afy over the dry period and that additional supplies would be banked during wetter years to allow withdrawal of at least this amount.

Additional Planned Banking: CLWA's 2009 update of its reliability plan identifies a need for additional banking programs to firm up the dry-year reliability of service area supplies, and includes an implementation schedule to increase both storage and pumpback capacity beginning in 2010 and incrementally increasing through 2050. While a specific banking program has not yet been identified, CLWA's plans call for development of additional groundwater banking programs with pumpback capacity of at least an additional 10,000 af by 2025, and a second additional 10,000 af by 2035. For the single-dry year, supplies were assumed at the programs' pumpback capacity. For the multiple-dry year period, it was assumed that supplies would average at least 75 percent of the pumpback capacity over the dry period.

Supply and Demand Comparisons

The available supplies and water demands for CLWA's service area were analyzed to assess the region's ability to satisfy demands during three scenarios: a normal water year, single-dry year, and multiple-dry years. The tables in this section present the supplies and demands for the various drought scenarios for

the projected planning period of 2015-2050 in five-year increments. The available supplies and water demands broken down by purveyor during the same three scenarios also were analyzed over the project planning period, and these tables are provided in the 2010 UWMP, Appendix C. Table 6-1 reproduced below presents the base years for the development of water year data. Tables 6-2, 6-3 and 6-4, also reproduced below, summarize, respectively, Normal Water Year, Single-Dry Water Year, and Multiple-Dry Year supplies.

The reader is referred to Section 2 for development of retail purveyor demands and current and projected water supplies are developed in Sections 3 and 4.

**Table 6-1
Basis Of Water Year Data**

Water Year Type	Base Years	Historical Sequence
Normal Water Year	Average	1922-2003
Single-Dry Water Year	1977	--
Multiple-Dry Water Years	1931-1934	--

Normal Water Year: Table 6-2, below, summarizes the water suppliers’ supplies available to meet demands over the 40-year planning period during an average/normal year. As presented in the table, the water suppliers’ water supply is broken down into existing and planned water supply sources, including wholesale (imported) water, local supplies and banking programs. Demands are shown with and without the urban demand reduction resulting from SBX7-7 conservation objectives.

See the 2010 UWMP, Appendix C, for the breakdown by purveyor of supplies available to meet demands over the 40-year planning period during an average/normal year.

Table 6-2
Projected Average/Normal Year Supplies and Demands

	2015	2020	2025	2030	2035	2040	2045	2050
Existing Supplies								
Existing Groundwater ^(a)								
Alluvial Aquifer	24,000	24,000	24,000	25,000	25,000	25,000	25,000	25,000
Saugus Formation ^(b)	9,225	10,225	10,225	10,225	10,225	10,225	10,225	10,225
Total Groundwater	33,225	34,225	34,225	35,225	35,225	35,225	35,225	35,225
Recycled Water^(c)								
325	325	325	325	325	325	325	325	325
Imported Water								
State Water Project ^(d)	58,100	57,900	57,600	57,400	57,400	57,400	57,400	57,400
Flexible Storage Accounts	-	-	-	-	-	-	-	-
Buena Vista-Rosedale	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
Nickel Water - Newhall Land	1,607	1,607	1,607	1,607	1,607	1,607	1,607	1,607
Total Imported	70,707	70,507	70,207	70,007	70,007	70,007	70,007	70,007
Banking Programs ^(e)								
Rosedale Rio-Bravo	-	-	-	-	-	-	-	-
Semitropic	-	-	-	-	-	-	-	-
Semitropic - Newhall Land	-	-	-	-	-	-	-	-
Total Banking	-							
Total Existing Supplies	104,257	105,057	104,757	105,557	105,557	105,557	105,557	105,557
Planned Supplies								
Future Groundwater ^(f)								
Alluvial Aquifer	-	1,000	2,000	3,000	4,000	5,000	6,000	7,000
Saugus Formation	1,375	1,375	1,375	1,375	1,375	1,375	1,375	1,375
Total Groundwater	1,375	2,375	3,375	4,375	5,375	6,375	7,375	8,375

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

	2015	2020	2025	2030	2035	2040	2045	2050
Recycled Water(c)	975	2,725	5,225	7,775	10,275	13,775	17,275	20,975
Banking Programs(e)	-	-	-	-	-	-	-	-
Total Planned Supplies	2,350	5,100	8,600	12,150	15,650	20,150	24,650	29,350
Total Existing and Planned Supplies	106,607	110,157	113,357	117,707	121,207	125,707	130,207	134,907
Demand w/o Conservation(g)	80,070	88,484	96,898	105,312	113,726	122,140	130,554	138,968
20x2020 Reduction(h)	9,027	19,626	21,166	22,770	24,342	25,914	27,486	29,058
Reduction from Recycled Water(i)	1,300	3,050	5,550	8,100	10,600	14,100	17,600	21,300
Reduction from Water Conservation(j)	7,727	16,576	16,662	16,748	16,833	16,919	17,005	17,091
Demand w/ Conservation(k)	72,343	71,908	80,236	88,564	96,892	105,220	113,549	121,877

- Notes:
- (a) Existing groundwater supplies represent the quantity of groundwater anticipated to be pumped with existing wells. As indicated in Tables 3-8 and 3-9 and Tables 3-4 and 3-5 of the 2009 Groundwater Basin Yield Analysis, individual purveyors may have well capacity in excess of quantities shown in this table. As indicated in Table 3-10, existing and planned groundwater pumping remain within the groundwater operating plan shown on Table 3-5.
 - (b) SCWD's existing Saugus 1 and Saugus 2 wells resumed production in 2011 with the completion of the perchlorate treatment facility.
 - (c) Recycled water projections from Table 4-3.
 - (d) SW P supplies are based on the Department of Water Resources "2009 State Water Project Delivery Reliability Report."
 - (e) Not needed in average/normal years.
 - (f) Planned groundwater supplies represent new groundwater well capacity that may be required by an individual purveyor's production objectives in the Alluvial Aquifer and the Saugus Formation. As indicated in Table 3-10, existing and planned groundwater pumping remain within the groundwater operating plan shown on Table 3-5
 - (g) Demand w/o Conservation data from Table 2-2.
 - (h) 20x2020 Reduction for the Region from Table 2-22.
 - (i) Recycled Water Reduction for the Region from Table 2-22; does not include demands from Honor Rancho.
 - (j) Reduction from Water Conservation calculation for Region from Table 2-22.
 - (k) Demand w/ Conservation is Demand w/o Conservation minus Reduction from Water Conservation.

Single-Dry Year: The water supplies and demands for the water suppliers over the 40-year planning period were analyzed in the event that a single-dry year occurs, similar to the drought that occurred in California in 1977. Table 6-3, below, summarizes the existing and planned supplies available to meet demands during a single-dry year. Base demand (demand without conservation) during dry years was assumed to increase by 10 percent. Demands also are shown with the urban demand reduction resulting from SBX7-7 conservation objectives.

See the 2010 UWMP, Appendix C, for the breakdown by purveyor of supplies available to meet demands over the 40-year planning period during a single-dry year.

Table 6-3
Projected Single-Dry Year Supplies And Demands

	2015	2020	2025	2030	2035	2040	2045	2050
Existing Supplies								
Existing Groundwater ^(a)								
Alluvial Aquifer	20,300	20,250	20,200	21,050	21,050	21,025	21,000	20,650
Saugus Formation	20,400	20,400	20,400	20,400	20,400	20,400	20,400	20,400
Total Groundwater	40,700	40,650	40,600	41,450	41,450	41,425	41,400	41,050
Recycled Water ^(b)								
	325	325	325	325	325	325	325	325
Imported Water								
State Water Project ^(c)	11,900	11,000	10,000	9,100	9,100	9,100	9,100	9,100
Flexible Storage Accounts ^(d)	6,060	4,680	4,680	4,680	4,680	4,680	4,680	4,680
Buena Vista-Rosedale	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
Nickel Water - Newhall Land	1,607	1,607	1,607	1,607	1,607	1,607	1,607	1,607
Total Imported	30,56	28,287	27,287	26,387	26,387	26,387	26,387	26,387
Banking Programs								
Rosedale Rio-Bravo ^(e)	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Semitropic ^(f)	15,000	15,000	-	-	-	-	-	-
Semitropic - Newhall Land ^(g)	4,950	4,950	4,950	4,950	4,950	4,950	4,950	4,950
Total Banking	39,950	39,950	24,950	24,950	24,950	24,950	24,950	24,950
Total Existing Supplies	111,542	109,212	93,162	93,112	93,112	93,087	93,062	92,712

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

	2015	2020	2025	2030	2035	2040	2045	2050
Planned Supplies								
Future Groundwater ^(b)								
Alluvial Aquifer	200	1,250	2,300	3,850	4,850	5,875	6,900	7,750
Saugus Formation (Restored Well)	825	3,777	3,777	3,777	3,777	3,777	3,777	3,750
Saugus Formation (New Wells)	2,875	9,923	9,923	9,923	9,923	9,923	9,923	9,950
Total Groundwater	3,900	14,950	16,000	17,550	18,550	19,575	20,600	21,450
Recycled Water ^(b)	975	2,725	5,225	7,775	10,275	13,775	17,275	20,975
Banking Programs ⁽ⁱ⁾	-	-	10,000	10,000	20,000	20,000	20,000	20,000
Total Planned Supplies	4,875	17,675	31,225	35,325	48,825	53,350	57,875	62,425
Total Existing and Planned Supplies	116,417	126,887	124,387	128,437	141,937	146,437	150,937	155,137
Demand w/o Conservation ⁽ⁱ⁾	88,077	97,332	106,588	115,843	125,099	134,354	143,609	152,865
20x2020 Reduction ^(k)	9,027	19,626	21,166	22,770	24,342	25,914	27,486	29,058
Reduction from Recycled Water ^(l)	1,300	3,050	5,550	8,100	10,600	14,100	17,600	21,300
Reduction from Water Conservation ^(m)	7,727	16,576	16,662	16,748	16,833	16,919	17,005	17,091
Demand w/ Conservation ⁽ⁿ⁾	80,350	80,757	89,926	99,096	108,265	117,434	126,604	135,773

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

	2015	2020	2025	2030	2035	2040	2045	2050
Notes:								
(a)	Existing groundwater supplies represent the quantity of groundwater anticipated to be pumped with existing wells. As indicated in Tables 3-8 and 3-9 and Tables 3-4 and 3-5 of the 2009 Groundwater Basin Yield Analysis, individual purveyors may have well capacity in excess of quantities shown in this table. As indicated in Table 3-11, existing and planned groundwater pumping remain within the groundwater operating plan shown on Table 3-5. SCWD's existing Saugus 1 and Saugus 2 wells resumed production in 2011 with the completion of the perchlorate treatment facility.							
(b)	Recycled water projections from Table 4-3.							
(c)	SW P supplies are based on the Department of Water Resources "2009 State Water Project Delivery Reliability Report."							
(d)	Includes both CLWA and Ventura County entities flexible storage accounts. Initial Term of agreement with Ventura County entities expires after 2015.							
(e)	CLWA has a maximum withdrawal capacity of 20,000 afy and a storage capacity of 100,000 af. As of 6/1/2011, there is 100,000 af of recoverable water.							
(f)	CLWA has 45,920 af of recoverable water as of 6/1/2011.							
(g)	Newhall Land has a maximum withdrawal capacity of 4,950 afy and a storage capacity of 55,000 af. As of 6/1/2011 there is 18,892 af of recoverable water. Delivery of stored water from the Newhall Land's Semitropic Water Banking and Exchange Program is assumed available to Valencia.							
(h)	Planned groundwater supplies represent new groundwater well capacity that may be required by an individual purveyor's production objectives in the Alluvial Aquifer and the Saugus Formation, including 3,777 afy of restored capacity from Valencia Well 201 and approximately 10,000 afy of new Saugus Formation well capacity. When combined with existing purveyor and non-purveyor groundwater supplies, total groundwater production is consistent with the 1977 single dry-year levels identified in Table 3-8 of the 2009 Groundwater Basin Yield Analysis. As indicated in Table 3-11, existing and planned groundwater pumping remain within the groundwater operating plan shown on Table 3-5.							
(i)	Includes banking programs with 10,000 af of additional pumpback capacity by 2025 and a second additional 10,000 af by 2035.							
(j)	Demand w/o Conservation data from Table 2-2. Includes a 10 percent increase in demand during dry years.							
(k)	20x2020 Reduction for the Region from Table 2-22.							
(l)	Recycled Water Reduction for the Region from Table 2-22; does not include demands from Honor Rancho.							
(m)	Reduction from Water Conservation calculation for Region from Table 2-22.							
(n)	Demand w/ Conservation is Demand w/o Conservation minus Reduction from Water Conservation.							

Multiple-Dry Year: The water supplies and demands for the water suppliers' water supply over the 40-year planning period were analyzed in the event that a four-year multiple-dry year event occurs, similar to the drought that occurred during the years 1931 to 1934. Table 6-4, below, summarizes the existing and planned supplies available to meet demands during multiple-dry years. Base demand during dry years was assumed to increase by 10 percent. Demands also are shown with the urban demand reduction resulting from SBX7-7 conservation objectives.

See the 2010 UWMP, Appendix C, for the breakdown by purveyor of supplies available to meet demands over the 40-year planning period during a multiple-dry year.

**Table 6-4
Projected Multiple-Dry Year Supplies And Demands**

	2015	2020	2025	2030	2035	2040	2045	2050
Existing Supplies								
Existing Groundwater ^(a)								
Alluvial Aquifer	20,425	20,425	20,425	21,825	21,825	21,825	21,825	21,325
Saugus Formation	19,700	19,700	19,700	19,700	19,700	19,700	19,700	19,700
Total Groundwater	40,125	40,125	40,125	41,525	41,525	41,525	41,525	41,025
Recycled Water ^(b)								
	325	325	325	325	325	325	325	325
Imported Water								
State Water Project ^(c)	32,900	32,900	33,000	33,000	33,000	33,000	33,000	33,000
Flexible Storage Accounts ^(d)	1,510	1,170	1,170	1,170	1,170	1,170	1,170	1,170
Buena Vista-Rosedale	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
Nickel Water - Newhall Land	1,607	1,607	1,607	1,607	1,607	1,607	1,607	1,607
Total Imported	47,017	46,677	46,777	46,777	46,777	46,777	46,777	46,777
Banking Programs								
Rosedale Rio-Bravo ^(e)	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Semitropic ^(f)	11,500	11,500	-	-	-	-	-	-
Semitropic - Newhall Land ^(g)	4,950	4,950	4,950	4,950	4,950	4,950	4,950	4,950
Total Banking	31,450	31,450	19,950	19,950	19,950	19,950	19,950	19,950
Total Existing Supplies	118,917	118,577	107,177	108,577	108,577	108,577	108,577	108,077

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

	2015	2020	2025	2030	2035	2040	2045	2050
Planned Supplies								
Future Groundwater ^(h)								
Alluvial Aquifer	-	1,000	2,000	3,000	4,000	5,000	6,000	7,000
Saugus Formation (Restored Well)	2,375	1,625	1,500	1,400	1,275	1,125	1,000	875
Saugus Formation (New Wells)	2,250	10,325	10,450	10,550	10,675	10,825	10,950	11,075
Total Groundwater	4,625	12,950	13,950	14,950	15,950	16,950	17,950	18,950
Recycled Water ^(b)	975	2,725	5,225	7,775	10,275	13,775	17,275	20,975
Banking Programs ⁽ⁱ⁾	-	-	7,500	7,500	15,000	15,000	15,000	15,000
Total Planned Supplies	5,600	15,675	26,675	30,225	41,225	45,725	50,225	54,925
Total Existing and Planned Supplies	124,517	134,252	133,852	138,802	149,802	154,302	158,802	163,002
Demand w/o Conservation ^(j)								
20x2020 Reduction ^(k)	9,027	19,626	21,166	22,770	24,342	25,914	27,486	29,058
Reduction from Recycled Water ^(l)	1,300	3,050	5,550	8,100	10,600	14,100	17,600	21,300
Reduction from Water Conservation ^(m)	7,727	16,576	16,662	16,748	16,833	16,919	17,005	17,091
Demand w/ Conservation ⁽ⁿ⁾	80,342	80,749	89,920	99,091	108,261	117,432	126,603	135,773

2.0 Topical Responses, Comment Letters, and Responses to Comment Letters

	2015	2020	2025	2030	2035	2040	2045	2050
Notes:								
(a) Existing groundwater supplies represent the quantity of groundwater anticipated to be pumped with existing wells. As indicated in Tables 3-8 and 3-9 and Tables 3-4 and 3-5 of the 2009 Groundwater Basin Yield Analysis, individual purveyors may have well capacity in excess of quantities shown in this table. As indicated in Table 3-12, existing and planned groundwater pumping remain within the groundwater operating plan shown on Table 3-5. SCWD's existing Saugus 1 and Saugus 2 wells resumed production in 2011 with the completion of the perchlorate treatment facility.								
(b) Recycled water projections from Table 4-3.								
(c) SWP supplies are based on the Department of Water Resources "2009 State Water Project Delivery Reliability Report."								
(d) Includes both CLWA and Ventura County entities flexible storage accounts. Initial Term of agreement with Ventura County entities expires after 2015.								
(e) CLWA has a maximum withdrawal capacity of 20,000 afy and a storage capacity of 100,000 af. As of 6/1/2011, there is 100,000 af of recoverable water.								
(f) CLWA has 45,920 af of recoverable water as of 6/1/2011.								
(g) Newhall Land has a maximum withdrawal capacity of 4,950 afy and a storage capacity of 55,000 af. As of 6/1/2011 there is 18,892 af of recoverable water. Delivery of stored water from the Newhall Land's Semitropic Water Banking and Exchange Program is assumed available to Valencia.								
(h) Planned groundwater supplies represent new groundwater well capacity that may be required by an individual purveyor's production objectives in the Alluvial Aquifer and the Saugus Formation, including 3,777 afy of restored capacity from Valencia Well 201 and approximately 10,000 afy of new Saugus Formation well capacity. When combined with existing purveyor and non-purveyor groundwater supplies, total groundwater production is consistent with the 1931-1934 multiple dry-year levels identified in Table 3-8 of the 2009 Groundwater Basin Yield Analysis. As indicated in Table 3-12, existing and planned groundwater pumping remain within the groundwater operating plan shown on Table 3-5.								
(i) Includes banking programs with 10,000 af of additional pumpback capacity by 2025 and a second additional 10,000 af by 2035.								
(j) Demand w/o Conservation data from Table 2-2. Includes a 10 percent increase in demand during dry years.								
(k) 20x2020 Reduction for the Region from Table 2-22.								
(l) Recycled Water Reduction for the Region from Table 2-22; does not include demands from Honor Rancho.								
(m) Reduction from Water Conservation calculation for Region from Table 2-22.								
(n) Demand w/ Conservation is Demand w/o Conservation minus Reduction from Water Conservation.								

Summary of Comparisons: As shown in the analyses above, CLWA and the retail purveyors have adequate supplies to meet CLWA service area demands during normal, single-dry, and multiple-dry years throughout the 40-year planning period.

Water Use Overview (2010 UWMP, Section 2)

This section describes historic and current water usage and the methodology used to project future demands within CLWA's service area. Water usage is divided into sectors such as residential, industrial, commercial, landscape, agricultural, and other purposes. To undertake this evaluation, existing land use data and new housing construction information were compiled from each of the retail water purveyors and projections evaluated from each retailer's master planning documents. This information was then compared to historic trends for new water service connections and customer water usage information. In addition, weather and water conservation effects on historical water usage were considered in the evaluation.

Several factors can affect demand projections, including:

- Land use revisions
- New regulations
- Consumer choice
- Economic conditions
- Transportation needs
- Highway construction
- Environmental factors
- Conservation programs
- Building and plumbing codes

The foregoing factors affect the amount of water needed, as well as the timing of when it is needed. During an economic recession, there is a major downturn in development and a subsequent slowing of the projected demand for water. The projections in the 2010 UWMP do not attempt to forecast recessions or droughts. Likewise, no speculation is made about future building and plumbing codes or other regulatory changes. However, the projections include water conservation consistent with new legislative requirements calling for a 20 percent reduction in per capita demand by 2020 (SBX7-7).

An analysis was performed that combined growth projections with water use data to forecast total water demand in future years. Water uses were broken out into specific categories and assumptions made about each to more accurately project future use. Three separate data sets were collected and included in the model: historical water use by land use type, current population, and projected population.

Water Resources Overview (2010 UWMP, Section 3)

This section describes the water resources available to CLWA and the purveyors for the next 40 years. The suppliers' existing water resources include wholesale (imported) supplies, local groundwater, recycled water, and water from existing groundwater banking programs. Planned supplies include new groundwater production as well as additional banking programs. These existing and planned supplies are summarized in **Table 3-1**, below, and discussed in more detail in the 2010 UWMP, Section 3.

Table 3-1
Summary Of Current And Planned Water Supplies And Banking Programs^(a)

	2010	2015	2020	2025	2030	2035	2040	2045	2050
Existing Supplies									
Existing Groundwater ^(b)									
Alluvial Aquifer	24,385	24,000	24,000	24,000	25,000	25,000	25,000	25,000	25,000
Saugus Formation ^(c)	6,725	9,225	10,225	10,225	10,225	10,225	10,225	10,225	10,225
Total Groundwater	31,110	33,225	34,225	34,225	35,225	35,225	35,225	35,225	35,225
Recycled Water^(d)	Total Recycled	325	325	325	325	325	325	325	325
Imported Water									
State Water Project ^(e)	58,300	58,100	57,900	57,600	57,400	57,400	57,400	57,400	57,400
Flexible Storage Accounts ^(f)	6,060	6,060	4,680	4,680	4,680	4,680	4,680	4,680	4,680
Buena Vista-Rosedale	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
Nickel Water - Newhall Land	1,607	1,607	1,607	1,607	1,607	1,607	1,607	1,607	1,607
Total Imported	76,967	76,767	75,187	74,887	74,687	74,687	74,687	74,687	74,687
Existing Banking Programs ^(g)									
Rosedale Rio-Bravo	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Semitropic	15,000	15,000	15,000	-	-	-	-	-	-
Semitropic - Newhall Land	4,950	4,950	4,950	4,950	4,950	4,950	4,950	4,950	4,950
Total Banking	39,950	39,950	39,950	24,950	24,950	24,950	24,950	24,950	24,950
Planned Supplies									
Future Groundwater ^(h)									
Alluvial Aquifer	-	-	1,000	2,000	3,000	4,000	5,000	6,000	7,000
Saugus Formation	-	1,375	1,375	1,375	1,375	1,375	1,375	1,375	1,375
Total Groundwater	-	1,375	2,375	3,375	4,375	5,375	6,375	7,375	8,375
Recycled Water⁽ⁱ⁾	-	975	2,725	5,225	7,775	10,275	13,775	17,275	20,975
Planned Banking Programs									
	-	-	-	10,000	10,000	20,000	20,000	20,000	20,000

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Notes:

- (a) The values shown under "Existing Supplies" and "Planned Supplies" are projected to be available in average/normal years. The values shown under "Existing Banking Programs" and "Planned Banking Programs" are the maximum capacity of program withdrawals.
- (b) Existing groundwater supplies represent the quantity of groundwater anticipated to be pumped with existing wells. As indicated in Tables 3-8 and 3-9 and Tables 3-4 and 3-5 of the 2009 Groundwater Basin Yield Analysis, individual purveyors may have well capacity in excess of quantities shown in this table. As indicated in Table 3-10, existing and planned groundwater pumping remain within the groundwater operating plan shown on Table 3-5.
- (c) SCWD's existing Saugus 1 and Saugus 2 wells resumed production in 2011 with the completion of the perchlorate treatment facility.
- (d) Represents recycled water being delivered in 2010 with existing facilities. CLWA currently has 1,700 afy under contract.
- (e) SWP supplies are based on the Department of Water Resources "2009 State Water Project Delivery Reliability Report."
- (f) Includes both CLWA and Ventura County entities flexible storage accounts. Initial term of agreement with Ventura County entities expires after 2015.
- (g) Supplies shown are annual amounts that can be withdrawn and would typically be used only during dry years.
- (h) Planned groundwater supplies represent new groundwater well capacity that may be required by an individual purveyor's production objectives in the Alluvial Aquifer and the Saugus Formation. When combined with existing purveyor and non-purveyor groundwater supplies, total groundwater production remains within the sustainable ranges identified in Table 3-8 of 2009 Groundwater Basin Yield Analysis. As indicated in Table 3-10, existing and planned groundwater pumping remain within the basin operating plan shown on Table 3-5.
- (i) See Table 4-3. Total Purveyor and Non-Purveyor Recycled Water less Existing Supply.
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Recycled Water Overview (2010 UWMP, Section 4)

This section of the 2010 UWMP describes the existing and future recycled water opportunities available to the CLWA service area. The description includes estimates of potential recycled water supply and demand for 2010 to 2050 in five-year increments, as well as CLWA's proposed incentives and implementation plan for recycled water.

In normal years, approximately 55 percent of the demands within CLWA's service area are met with imported water. However, the reliability of the imported SWP supply is variable (due in part to its dependence on current year hydrology in Northern California and prior year storage in SWP reservoirs). When sufficient imported water is not available, the balance is met with local groundwater provided by the purveyors and from water banking programs.

It is anticipated that water demands will continue to increase. Accordingly, additional reliable sources of water are necessary to meet projected water demands. CLWA recognizes that recycled water is an important and reliable source of additional water. Recycled water enhances reliability in that it provides an additional source of supply and allows for more efficient utilization of groundwater and imported water supplies. Draft Recycled Water System Master Plans for the CLWA service area were completed in 1993 and 2002. These master plans considered significant developments affecting recycled water sources, supplies, users and demands so that CLWA could develop a cost-effective recycled water system within its service area. In 2007, CLWA completed California Environmental Quality Act (CEQA) analysis of the 2002 Recycled Water Master Plan (Recycled Plan). This analysis consisted of a Program Environmental Impact Report (EIR) covering the various phases for a recycled water system as outlined in the Recycled Plan. The Program EIR was certified by the CLWA Board in March 2007.

CLWA has constructed Phase I of the Recycled Plan, which can deliver 1,700 afy of water to the Valencia service area. Deliveries of recycled water began in 2003 for irrigation water supply at a golf course and in roadway median strips. In 2009, recycled water deliveries were 328 af.

Overall, the Recycled Plan, along with the Newhall Ranch Specific Plan project, is expected to ultimately recycle up to 22,800 af of treated (tertiary) wastewater suitable for reuse on golf courses, landscaping, and other non-potable uses.

In 2009, CLWA completed a preliminary design report on the second phase of the Recycled Plan (Phase 2A) that will take water from the Saugus WRP and distribute it to identified users to the north, across the Santa Clara River and then to the west and east. Customers included in the Phase 2A expansion will be Santa Clarita Central Park and the Bridgeport and River Village developments. Large irrigation

customers will be served with this expansion with a collective design that will increase recycled water deliveries by 500 afy.

Recycled water will be further expanded with the South End Recycled Water project (Phase 2C). Valencia has initiated project design expanding the existing recycled water transmission and distribution system southerly to supply recycled water to additional customers as well as to potentially supply a source of recycled water to customers of adjacent water agencies. Phase 2C of the Recycled Plan will result in the use of 910 afy of recycled water.

Water Quality (2010 UWMP, Section 5)

This section provides a description of the water quality of the supplies within the Valley, aquifer protection and a discussion of potential water quality effects on the reliability of these supplies. It should be noted that the topic of perchlorate contamination and treatment, including information regarding perchlorate recently discovered in Valencia Well 201 in 2010, is addressed in both the 2010 UWMP and the 2010 Santa Clarita Valley Water Report. The information presented in these reports is summarized in the Landmark Village Revised Final EIR in **Updated Topical Response 1: Perchlorate Treatment Update**.

The quality of any natural water is dynamic in nature. During periods of intense rainfall or snowmelt, routes of surface water movement are changed and new constituents are mobilized and enter the water while other constituents are diluted or eliminated. The quality of water changes over the course of a year. These same basic principles apply to groundwater. Depending on water depth, groundwater will pass through different layers of rock and sediment and leach different materials from those strata. Water depth is a function of local rainfall and snowmelt. During periods of drought, the mineral content of groundwater increases. Water quality is not a static feature of water, and these dynamic variables must be recognized.

Water quality regulations also change. This is the result of the discovery of new contaminants, changing understanding of the health effects of previously known as well as new contaminants, development of new analytical technology and the introduction of new treatment technology. All water suppliers are subject to drinking water standards set by the U.S. Environmental Protection Agency (USEPA) and the state Department of Public Health (DPH). Additionally, investor-owned water utilities, such as Valencia, are subject to water quality regulation by the California Public Utilities Commission (PUC). CLWA provides imported water from the SWP and other sources, while local retail water purveyors combine local groundwater with treated imported water from CLWA for delivery to their customers. (While LACWWD 36 currently exclusively takes imported water from CLWA, it anticipates bringing a groundwater well into production). An annual Consumer Confidence Report (CCR), or Water Quality

Report, is provided to all Valley residents who receive water from CLWA and one of the four retail water purveyors. That report includes detailed information about the results of quality testing of the water supplied during the preceding year (Water Quality Report 2010). Water quality also is addressed in the annual Santa Clarita Valley Water Report, which describes the current water supply conditions in the Valley and provides information about the water requirements and water supplies of the Santa Clarita Valley. The most recent version of the Water Report (2010) is summarized in the Landmark Village Revised Final EIR, **New Topical Response 16: 2010 Santa Clarita Valley Water Report**.

The quality of water received by individual customers will vary depending on whether they receive imported water, groundwater, or a blend. Some will receive only imported water at all times, while others will receive only groundwater. Others may receive water from one well at one time, water from another well at a different time, different blends of well and imported water at other times, and only imported water at yet other times. These times may vary over the course of a day, a week, or a year.

Water Demand Management Measures (2010 UWMP, Section 7)

This section describes the water Demand Management Measures (DMMs) implemented by CLWA and the retail purveyors as a part of the effort to reduce water demand in the Valley.

CLWA and the retail purveyors are subject to the UWMP Act, AB1420, and SBX7-7, in addition to the commitment of compliance with the Best Management Practices (BMPs) as signatories to the Memorandum of Understanding Regarding Water Conservation in California (MOU). In the CLWA service area, demand management is addressed at both the local (retail agency) and regional (Santa Clarita Valley-wide) levels.

The MOU and BMPs were revised by the California Urban Water Conservation Council (CUWCC) in 2008. The revised BMPs now contain a category of “Foundational BMPs” that signatories are expected to implement as a matter of their regular course of business. These include Utility Operations (metering, water loss control, pricing, conservation coordinator, wholesale agency assistance programs, and water waste ordinances) and Public Education (public outreach and school education programs). The remaining “Programmatic” BMPs have been placed into three categories: Residential, Large Landscape, and Commercial, Industrial, Institutional (CII) Programs and are similar to the original quantifiable BMPs. These revisions are reflected in the CUWCC reporting database starting with reporting year 2009 and the 2010 UWMP’s DMM compliance requirements. The new category of foundational BMPs is a significant shift in the revised MOU. For CLWA and other wholesalers, however, these changes do not represent a substantive shift in requirements.

A key intent of the recent MOU revision was to provide retail water agencies with more flexibility in meeting requirements and allow them to choose program options most suitable to their specific needs. Therefore, as alternatives to the traditional Programmatic BMP requirements, agencies may also implement the MOU Flex Track or gallons per capita per day (GPCD) options.

Under the Flex Track option, an agency is responsible for achieving water savings greater than or equal to those it would have achieved using only the BMP list items. The CUWCC has developed three Flex Track Menus – Residential, CI I, and Landscape – and each provides a list of program options that may be implemented in part or any combination to meet the water savings goal of that BMP. Custom measures can also be developed and require documentation on how savings were realized and the method and calculations for estimating savings.

The GPCD option sets a water use reduction goal of 18 percent reduction by 2018. The MOU defines the variables involved in setting the baseline and determining final and interim targets. The GPCD option and requirements track well with the requirements of SBX7-7. All three retail suppliers – SCWD, Valencia, and NCWD – have chosen to implement the GPCD compliance option.

Signatories to the urban MOU are allowed by Water Code Section 10631(j) to include their biennial CUWCC BMP reports in an UWMP to meet the requirements of the DMM sections of the UWMP Act. The retail suppliers have chosen to comply with the requirements of the UWMP Act by providing the information required by the DMMs in this section of the 2010 UWMP instead of attaching the 2009 and 2010 BMP Reports. CLWA has filed its 2009 and 2010 BMP reports (attached as Appendix E).

As a wholesaler MOU signatory, CLWA assists SCWD, Valencia, and NCWD with BMP implementation and reporting. LACWWD 36 BMP implementation and reporting is done by the County of Los Angeles on behalf of all of its Waterworks Districts.

As the water wholesaler for the region, CLWA is responsible for the implementation of a subset of the BMPs. However, CLWA, in partnership with the retail water purveyors, has taken a leadership role in the implementation and support of a number of the BMPs that extend beyond a wholesaler's responsibilities in the MOU.

Water Shortage Contingency Planning (2010 UWMP, Section 8)

Water supplies may be interrupted or reduced significantly in a number of ways, such as a drought that limits supplies, an earthquake that damages water delivery or storage facilities, a regional power outage or a toxic spill that affects water quality. The 2010 UWMP, Section 8, describes how CLWA and the retail water purveyors plan to respond to such emergencies promptly and equitably.

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To date, both a Water Shortage Contingency Plan and a Drought Emergency Water Sharing Agreement have been prepared by CLWA and the retail purveyors. Prohibitions, penalties, and financial impacts of shortages have been developed by SCWD, NCWD, and Valencia and are summarized in Section 8 of the 2010 UWMP.