

Response to Comments – Combined for Items 11 and 12
Santa Clarita Valley Sanitation District (SCVSD)
Item 11 – Valencia Water Reclamation Plant (Valencia WRP) &
Item 12 -Saugus WRP
Tentative Amended Time Schedule Orders (TSOs)

This table describes all comments received regarding the tentative TSOs identified above. Each comment has a corresponding response and action taken.

Written comments received from the following:

- 1. Friends of the Santa Clara River (FoSCR) on 11/08/2022**
- 2. Lynne Plambeck, Santa Clarita Organization for Planning and the Environment (SCOPE) on 11/16/2022**
- 3. Heal the Bay (HtB) and Los Angeles (LA) Waterkeeper on 11/17/2022**
- 4. Santa Clarita Valley Sanitation District (SCVSD)/ Los Angeles County Sanitation Districts on 11/17/2022**

#	Comment	Response	Action Taken
1	FoSCR thanks the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) for the opportunity to comment on the NPDES permit for the Valencia and Saugus Water Reclamation Plants (WRPs).	The Los Angeles Water Board would like to clarify that the items for consideration at the December 8, 2022 Board Hearing are TSO Amendments with respect to chloride compliance and not the National Pollutant Discharge Elimination System (NPDES) permits for the Valencia and Saugus WRPs. The NPDES permits for these two facilities were adopted by the Board on May 12, 2022.	None necessary.
2	FoSCR commented that this is the fourth request for an extension by the Sanitation District and two decades since the Santa Clara River was declared an impaired water body because of chloride pollution. This is a clear violation of the Clean Water Act (CWA).	While this is the fourth request from the Sanitation District for an extension of the Upper Santa Clara River Chloride Total Maximum Daily Load (Chloride TMDL) deadline of July 1, 2019, this is not a violation of the CWA.	None necessary.

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		<p>As an initial matter, the Los Angeles Water Board adopted a Chloride TMDL to address the water quality impairment due to chloride listed on the CWA 303d list. The Chloride TMDL contained Waste Load Allocations, interim WLAs, and an Implementation Plan, including a time schedule to achieve the WLAs. After Board adoption of the TMDL, SCVSD made progress towards implementing the tasks identified in the Chloride TMDL but was unable to complete all tasks by the June 2019 deadline established in the Chloride TMDL. The issuance of TSO Nos. R4-2019-0055 for the Valencia WRP and R4-2019-0056 for the Saugus WRP, and subsequent amendments, was consistent with state law, pursuant to California Water Code Section 13300. The purpose of the TSOs is to allow the time needed for SCVSD to complete the microfiltration, nanofiltration, and reverse osmosis upgrades, also referred to as the Advanced Water Treatment Facilities (AWTF). The findings in the TSO narrate the need for the TSO and describe the circumstances surrounding each of the subsequent TSO extensions. The Los Angeles Water Board publicly noticed each TSO separately, considered all comments received, and discussed the factors in the case prior to deciding to approve the initial TSOs in 2019 and each subsequent TSO amendment.</p>	

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		<p>Furthermore, this TSO is authorized under California Water Code sections 13300 and 13385. As explained in the Amended TSO, paragraph 40, the factors set forth in 13385(j)(3)(B)(i) have been satisfied, and therefore the Los Angeles Water Board may establish a time schedule not exceeding 5 years in length. (Cal. Water Code § 13385 subd. (j)(3)(C)(i). The time schedule for compliance in this TSO, combined with the prior TSOs, together does not exceed 5 years. Therefore, there are no CWA violations, and any TSO is consistent with both the CWA and the Water Code.</p>	
3	<p>FoSCR recognizes that the Coronavirus-19 Pandemic has affected all industries and has been unprecedented. However, water quality impairment has been a longstanding issue at these facilities and predates Covid. FoSCR, SCOPE, LA Waterkeeper, and HtB are concerned that without proper enforcement action by the Los Angeles Regional Water Quality Control Board, delays will continue to occur.</p>	<p>The Los Angeles Regional Water Board has not taken escalating enforcement action because SCVSD has been able to comply with the terms of the past and current TSO and has not had any violations of the chloride interim effluent limitations.</p> <p>TSOs are a type of enforcement action authorized under section 13300 of the California Water Code. Thus far, SCVSD has complied with the interim chloride effluent limitations in the TSOs and submitted progress reports in a timely manner. Finding 39 in the Valencia and Saugus WRPs Tentative TSOs contain the following statement regarding Mandatory Minimum Penalties:</p> <p>“Water Code section 13385, subdivisions (h) and (i), require the Los Angeles Water Board to impose mandatory minimum penalties upon dischargers that violate certain effluent limitations. Section</p>	None necessary.

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		<p>13385(j)(3) exempts violations of an effluent limitation from mandatory minimum penalties where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300...</p> <p>The Los Angeles Water Board has also determined that a TSO is the most appropriate enforcement action since the factors set forth in the California Water Code have been met (see Response to Comment #2), the Discharger has been in compliance with the TSO and its subsequent amendments, the Discharger has made substantial progress on the milestones, and the additional time requested by the Discharger is reasonable based on the circumstances.</p>	
4	<p>FoSCR commented that the intent of the Clean Water Act (CWA) is “to restore and maintain, physical, and biological integrity of the nation’s waters,” “it is the national goal that the discharge of pollutants into navigable waters be eliminated.” The board has a duty to oversee the intent of the law, and we therefore urge the Regional Board to take some enforcement action to ensure there is an incentive to reduce further delays and encourage timely and overdue compliance. We must use the law available to keep polluters accountable.</p>	<p>Refer to Response to Comment 3 above.</p>	<p>None necessary.</p>

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5	<p>FoSCR and SCOPE note that according to the notice, previous reasons that the District was not able to complete this chloride removal facility and comply with the Chloride TMDL included legal actions as stated in your notice “However, the July 2019 deadline was not met because SCVSD encountered a 6-year delay associated with the CEQA process and CEQA approval of the EIR for the Saugus and Valencia WRPs.” Most of these actions were brought on by the District’s own failure to address and resolve EIR issues that were timely brought to their attention. Had they moved forward to rectify these problems instead of refusing to address them, much of this litigation would have been avoided.</p>	<p>While the Los Angeles Water Board cannot speculate on whether the litigation could have been avoided, the Los Angeles Water Board does recognize that the litigation did cause delays. The Board previously considered and made a decision about the litigation-related delays in previous TSO actions, summarized in paragraphs 15 through 23 in the Tentative TSO Amendment for the Valencia WRP and paragraphs 14 through 22 in the Tentative TSO Amendment for the Saugus WRP. The current requests for an extension are based on other reasons unrelated to the CEQA process and the associated litigation.</p>	<p>None necessary.</p>
6	<p>FoSCR and SCOPE commented that the District now cites Covid, fires, Public Safety Shutoffs and materials delays as the reason they cannot comply with the established time line to which they agreed. The Governor recently noted the State of Emergency will be ended in February 2023. Many sectors have returned to business as usual as the population has been inoculated. Yes, there is the challenge of balancing competing interests, funding constraints, stakeholder needs, and complex resource issues. But the CWA is clear on the prioritization of Clean Water Act related projects.</p>	<p>As the comment recognizes, the State of Emergency is still in effect. In their letter dated September 30, 2022, SCVSD requested an extension of the December 31, 2022 AWTF start-up milestone deadline, described a handful of causes for the delay, and included the following table:</p>	<p>None necessary.</p>

#	Comment	Response	Action Taken																																						
		<div><div><div>Updated Summary of Critical Path Delays (Working Days)</div><table><tr><th rowspan="2">Delay Factor</th><th rowspan="2">Original Estimated Delay</th><th colspan="3">Updated Estimated Delay**</th></tr><tr><th>Actual Delays*</th><th>Projected Delays*</th><th>Updated Estimate</th></tr><tr><td>Supply chain disruptions</td><td>126</td><td>247</td><td>25</td><td>272</td></tr><tr><td>Quality Assurance/Quality Control</td><td>105</td><td>0</td><td>105</td><td>105</td></tr><tr><td>COVID-related Labor inefficiencies</td><td>32</td><td>42</td><td>0</td><td>42</td></tr><tr><td>COVID-related absences</td><td>12</td><td>18</td><td>12</td><td>30</td></tr><tr><td>Wildfire</td><td>4</td><td>2</td><td>0</td><td>2</td></tr><tr><td>Total</td><td>279</td><td>309</td><td>142</td><td>451</td></tr></table><p>*Actual delays are through September 2022. Projected delays are from October 2022 to July 2023.</p><p>**The updated delay estimate is 451 working days from the AWTF startup milestone date in the original TSOs, January 31, 2022. The anticipated AWTF startup date is July 24, 2023.</p></div><div><p>Although COVID-19 infection rates have declined, illness is still a risk. SCVSD experienced 18 days of delays associated with COVID-19 absences and projects that it could still experience 12 days of delays associated with COVID-19 illnesses in the future.</p><p>SCVSD experienced a 2-day delay associated with a wildfire, but SCVSD is not projecting any more delays associated with fires for the duration of the project.</p><p>SCVSD experienced 247 days delays due to supply chain disruptions due to late or suspended material shipments, domestic/international travel restrictions, COVID outbreaks among manufacturer/supplier employees, reduced efficiencies from COVID prevention measures, and other economic conditions. SCVSD expects an additional delay of 25 days due to supply chain disruptions.</p><p>Even with the COVID emergency and resulting delays, SCVSD has proposed a plan that takes the emergency into consideration, but which also</p></div></div>	Delay Factor	Original Estimated Delay	Updated Estimated Delay**			Actual Delays*	Projected Delays*	Updated Estimate	Supply chain disruptions	126	247	25	272	Quality Assurance/Quality Control	105	0	105	105	COVID-related Labor inefficiencies	32	42	0	42	COVID-related absences	12	18	12	30	Wildfire	4	2	0	2	Total	279	309	142	451	
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		moves quickly to come into compliance in 10 months. This is a short time, and it prioritizes CWA objectives while balancing the delays caused by the COVID emergency.	
7	FoSCR commented that while these are certainly issues, they do not warrant another year's delay. Especially as these facilities meet the criteria of federal critical infrastructure sectors (i.e., water and wastewater systems sector).	According to SCVSD, materials such as stainless-steel pipe and carbon-steel, duplex, super duplex, and alloy 20 pipe fittings have been and continue to be difficult to procure. The demand for these types of materials has increased due to an increase in the number of agencies undergoing infrastructure improvements. However, the manufacturers have not been able to increase supply fast enough to meet the demand. In total, the disruptions from supply chain issues, COVID-19, and wildfire caused 309 days of delays. Since this number of days represents work that could have been done roughly six days per week for an entire year, the requested 10-month extension, which is less than a year, is justifiable.	None necessary.
8	FoSCR and SCOPE commented that the public safety shut offs did not affect the areas where the Saugus and Valencia treatment plants are located.	Southern California Edison implemented Public Safety Power Shutoffs (PSPS) in the Santa Clarita area one or more days in the months of September, October, November, and December 2020 for the following circuits: Cobra Circuit, Davenport Circuit, Energy Circuit, Hillfield Circuit, Lopez Circuit, Loucks Circuit, Racer Circuit, Sand Canyon Circuit, and Shovel Circuit. The complete PSPS list is available on the SCE website and has	No change was made to the TSOs, but the PSPS list was included as an Attachment to the RTC table.

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		been included as an attachment to the Response to Comments Table.	
9	FoSCR, SCOPE, LA Waterkeeper, and HtB requested that the Board provide substantiation of claims of materials delays and the amount of time lost by such delays. HtB requested that the Regional Board delay their vote until that documentation is provided by the permittees and made publicly available.	Copies of the letters submitted by SCVSD, dated September 30, 2022 and February 10, 2021 were emailed to FoSCR, SCOPE, LA Waterkeeper, and HtB. The documentation is publicly available upon request.	Emailed SCVSD correspondence to commenters.
10	FoSCR and SCOPE urge the Board not to grant this extension while the District continues to add new connections that will only make the exceedances worse. This is especially egregious in the case of the Mission Village tract, Newhall Ranch, now coming online where your permit required a limit of 100 mcl for chlorides. These ongoing impairments need to be mitigated somehow or enforcement should offset impacts that have now spanned decades.	SCVSD is close to finishing the AWTF and needs additional time to complete the capital improvement project. In the meantime, discharges from Mission Village and Newhall Ranch are not contributing to water quality violations. To explain, sewage generated by the inhabitants of the Mission Village housing units is temporarily being treated by a temporary Reverse Osmosis treatment system, housed at the Valencia WRP until the Newhall Ranch Sanitation District completes construction of a new WRP. The permeate from the temporary RO system reduces chlorides to a concentration that is less than 100 mg/L. The RO brine is hauled away, so the chloride impairment is not worsening in the Santa Clara River due to Mission Village and Newhall Ranch. To clarify, the 100 mg/L Water Quality Objective (WQO) is not an MCL, but a Basin Plan	None necessary.

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		WQO designed to protect the agriculture beneficial use.	
11	FoSCR wants the Board to be more forceful in obtaining compliance and resolving this continuing water quality issue.	Refer to Response to Comment 3 above regarding enforcement action.	None necessary.
12	FoSCR commented that Southern California steelhead (Isha'kowoch, Oncorhynchus mykiss) has been federally listed as endangered since 1997 and is now a candidate species for listing under the California Endangered Species Act. We all share the common goal of protecting endangered fisheries, restoring watershed integrity, and supporting the ecosystems our communities are dependent on for generations to come.	<p>The 230 mg/L interim limit for chloride included in the TSOs is the same as the interim Waste Load Allocation that is contained in the Chloride TMDL. That number is protective of aquatic life including the steelhead. The 100 mg/L WQO is intended to be protective of the Agricultural Supply (AGR) beneficial use when irrigating sensitive crops such as strawberries and avocados.</p> <p>Task 6 of the Upper Santa Clara River Chloride TMDL required SCVSD to complete an Endangered Species Chloride Threshold Study, which SCVSD completed in 2007 and which the Los Angeles Water Board relied upon when revising the TMDL in 2008 and 2014. The study investigated the sensitivity of several aquatic species, including steelhead trout, and found that the 230 mg/L interim limit for chloride included in the TSOs is protective of aquatic life.</p> <p>As part of the public notice process, the Board sent copies of the tentative amended TSOs to the U.S. Fish & Wildlife Service and to NOAA, but did not receive any comments from those agencies. We look forward to our continued work with stakeholders on ways that we can protect</p>	None necessary.

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		designated beneficial uses and the endangered species found in our surface waterbodies.	
13	SCOPE commented that previously, there were public health advisories for smoke in the Santa Clarita Valley in 2020 for around a week in August and another advisory for several days in September, the time lost amounted to around two weeks. During that time, according to the background data, the District was still working, but with frequent breaks. We commented that at the time that this event did not warrant the year's delay the District which the District subsequently received. This year there have been no smokey day advisories in the SCV. Please substantiate this claim.	<p>SCVSD's current request for an extension, dated September 30, 2022, is not related to smoke delays. The smoke delay was one of the reasons mentioned in SCVSD's November 3, 2020 letter requesting an eight month extension. Finding 32 of the Valencia and Saugus WRP TSOs states the following:</p> <p>"The record-breaking wildfires of 2020 generated significant levels of smoke in the Santa Clarita Valley, created conditions in which the Air Quality Index exceeded 151, and caused a delay in construction activities. To provide relief from the smoke and heat, workers took 15-minute breaks at 2-hour intervals."</p> <p>The eight month extension, partly due to smoke from fires, was approved for the Valencia WRP TSO No. R4-2019-0055-A01 and the Saugus WRP TSO No. R4-2019-0056-A01 on December 31, 2020.</p>	None necessary.
14	HtB and LA Waterkeeper commend the Santa Clarita Valley Sanitation District for pursuing water quality improvements with installation of an Advanced Water Treatment Facility (AWTF) to address these exceedances, is concerned that operation of the AWTF has been delayed for too long.	The Los Angeles Water Board considers all the information presented at the time of each request for an extension. There have been a series of unforeseen delays associated with the completion of the UV and RO plant upgrades. The prior 2020 TSO Amendment was related to the UV plant	None necessary.

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		upgrades while the requested 2021 and 2022 TSO extensions are related to the RO plant upgrade.	
15	SCVSD appreciates the effort and consideration of Regional Water Quality Control Board, Los Angeles Region (Regional Board) staff to revise the subject TSOs (Draft TSOs). If adopted as proposed, these Draft TSOs will allow for the time to complete the complex projects necessary to comply with chloride effluent limitations for the Saugus and Valencia Water Reclamation Plants (WRPs). The Sanitation District also appreciates the opportunity to provide additional comments via this letter, supports adoption of the Draft TSOs as proposed, and respectfully requests that this letter be included in the Regional Board's administrative record for the Draft TSOs.	Comment noted.	None necessary.
16	SCVSD addressed FoSCR's concern regarding new connections not being in compliance with chloride and exacerbating conditions. SCVSD replied that chloride compliance for new connections from the Newhall Ranch are addressed in both Regional Board Order R4-2012-0139 and the County of Los Angeles Conditional Use Permit issued for the development not by the Sanitation Districts existing permits and therefore chloride from new developments is being addressed.	Refer to Response to Comment 10 above.	None necessary.

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17	<p>SCVSD also commented that the Draft TSOs do not necessitate consideration of further impacts to the Southern California Steelhead, as suggested by fellow commenter FSCR. The Valencia and Saugus WRPs discharge to Reaches 5 and 6 of the Santa Clara River, respectively, which are physically disconnected from the Southern California Steelhead habitat by a hydrologic dry gap, removing any concern regarding take. Further, the 100 mg/L chloride limitation referenced in the Draft TSOs was implemented to protect the most salt-sensitive beneficial use, which is agricultural supply. Aquatic life criteria for chloride is 230 mg/L, previously determined to be protective of threatened and endangered species, and the Saugus and Valencia WRP discharge concentrations are currently well below that level.</p>	<p>Refer to Response to Comment 12 above.</p>	<p>None necessary.</p>