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April 8, 2019

Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, California 90013

RE: Testimony regarding items to be heard by this Water Board at its hearing currently scheduled for Thursday, May 9, 2019, as listed herein below.

ATTENTION AND IN CARE OF: Veronica Cuevas, and Jeong-Hee Lim

ADDRESSING: TSO ORDER NUMBER R4-2019-XXXX, NPDES: CA 0054313 and CI 2960
(Santa Clarita Valley Sanitation District Saugus Waste Water Reclamation Plant)
AND:
TSO ORDER NUMBER R4-2019 XXXX, NPDES CA0054216, CI NO: CI-4993
(Santa Clarita Valley Sanitation District Valencia Waste Water Reclamation Plant)

SENT VIA EMAIL TO: veronica.cuevas@waterboards.ca.gov, and
jeonghee.lim@wateroards.ca.gov

Dear Ms. Cuevas, and Ms. Lim,

My testimony is submitted as an individual but who also has a long-standing involvement with and commitment to Castaic, Santa Clarita Valley, Los Angeles County and our State.

I am a former Los Angeles County Democratic Party "Democrat of the Year" from my Assembly District, the former President of the Los Angeles County Castaic Area Wide Town Council, a former President of the Lions Club International Chapter in Castaic, a former member of the William S Hart Union School District Parents Advisory Board, the proud father of two sons educated at the University of California (UCLA and UCSC),

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and the owner and operator of Peoplehunter.com, a research firm with law firm clients nationwide. Again, my comments here are as an individual, and not on behalf of any of my affiliations, many of which I have not listed.

As this is being prepared, it is not clear if hearing testimony sent via email will be accepted by the Water Board. Since this is being sent early, before your deadline of Wednesday, April 10, please respond immediately to my direct personal phone number of 310-592-4705 to confirm whether this testimony can be accepted as sent, or not.

Please send the answer to this question to my email address also, as shown above, and if email submission is allowed, please also send the email address to which this testimony should be sent, if it is different that the two email addresses already used.

If it cannot be accepted, then given the slight time we have until your deadline, we will make every effort to submit these vital comments in a hard copy.

Please distribute copies of this testimony to all of the Water Board members, Ms. Renee Purdy, Michael Lauffer, the three superb attorneys from Sacramento who advise the Board so capably, and to Eileen Sobeck.

CONCLUSION AS TO THE BEST AND MOST APPROPRIATE BOARD ACTION
The Water Board's only appropriate decision is to continue both of these items to a future, uncertain date, with no action taken at the hearing now, other than to approve the continuance, OR, take these items "off calendar" all together, so as to save the board and the public time and effort. Given the numerous defects there is no appropriate way that a public hearing can be conducted, and a decision reached until the defects are corrected.

There are numerous compelling reasons as to why no action on these items is the best possible decision. Following, please see 22 listed sections of comments on these "TSO's".

ONE: The effect of this decision on the Santa Clarita Valley is extremely significant. As of the date of this submission, the hearing will still occur in Malibu. We understand that at some point in the past, there were hearing agenda items for this date that pertained to the Malibu area.

We also understand that those Malibu oriented agenda items have been removed from this date.

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Please, therefor, when this item is rescheduled, set it for a Santa Clarita Valley location, or, if necessary, at your usual hearing location in Los Angeles. Santa Clarita people would have to depart Santa Clarita no later than 5AM in the morning to safely arrive in Malibu by 9AM.

The items are critical for Santa Clarita. Holding them as currently contemplated is not responsive government.

TWO: Stunning facts that have significant effect on how these agenda items should be decided have not been provided to this Water Board, nor the public, by the applicant. These are listed herein, starting with item three:

THREE: The Sanitation District has not disclosed to this Water Board, that a California Superior Court Trial on this entire project's conformance with the California Environmental Quality Act (CEQA) is currently on calendar for early September 2019. This same Court stopped this entire project before. It may well do so again. Such a court ruling would render any action taken by the Water Board now to be wasteful.

FOUR: The possible effect of this pending trial, and its September date has not been disclosed to this Water Board, nor to the public, in any material the board has received. A full disclosure of the possible effects of various trial results must be presented to the Water Board, as part of a staff presentation, and in a staff report made available to the public, well in advance of the strongly suggested future hearing date. This future hearing date would be a substitute for the currently scheduled May 9 hearing.

FIVE: The Sanitation District has submitted "compliance dates" as part of these TSO's, that take effect prior to the September 2019 Trial, where the entire project may again be stopped. Other dates within these "TSO"s, where in the 'Sanitation District" commits to their adherence, would also potentially be stopped dead in their tracks, as has happened once before, from the same court holding the September trail.

SIX: The Sanitation District has not disclosed to this Water Board, nor to the public the fact that the Superior Court still holds jurisdiction over this Sanitation District as a result of an earlier ruling against this District, by the same Superior Court holding the September trial.

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SEVEN: The Sanitation District had not disclosed to this Water Board, nor to the public the fact that the Sanitation District, at its public hearing held Monday, February 25th, acted in violation of the court order against it, and in violation of the binding pledge this Sanitation District gave to the Superior Court.

EIGHT: The Sanitation District has not disclosed to this Water Board, nor to the public that its nearly eight year old commitment to provide recycled water to its ratepayers as an integral project benefit of its so called "Chloride Compliance Project", was reneged by the District at this February 25 hearing, as seen in its agenda item number 8. The key deception here, is that full integration throughout its entire history, of recycled water provision has always been part of the single, so called "Chloride Compliance" project, and its EIR. There always has been only a single project. Never two.

NINE: The Sanitation District has not disclosed to this Water Board, nor to the public, that it has not received (nor has it even sought) Court permission to abandon or modify the contents of the court order and writ that still are in effect against the District. This binding court order was that the Sanitation District (no one else) had the legal obligation to provide both actual recycled water, as well as a complete California Environmental Quality Act (CEQA) Supplemental Environmental Impact Report (EIR) about all the specifics as to how this commitment was to be made and kept.

TEN: The Sanitation District has not disclosed to this Water Board, not to its ratepayers, nor to the public, that this District's one or two sentence attempted "transfer" of all its legal, procedural, jurisdictional and financial obligations, to another public agency (the newly created monopolistic Santa Clarita Valley Water Agency) has not been accepted BY this other agency.

ELEVEN: Court orders and Court writs are not like "Greeting Cards". They cannot just be "mailed" to someone. Simple stated, the Sanitation District has not disclosed to this Water Board that they do not have, have not sought, and have not obtained either Court or other Agency permission or acceptance of their highly illegal "give away" of THEIR obligations.

TWELVE: This Sanitation District has not disclosed to this Water Board nor to the public just how radically changed the project now has before this Water Board is, compared to the project last seen before the Water Board in October 2014. All the changes remain hidden.

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Among these changes are:

a) Unlike other areas of California, the Santa Clarita Valley continues to suffer the effects of prolonged drought.

b) Beginning in 2013, at least five (5) ground water wells in the North Eastern Santa Clarita Valley that were the prime source of drinking water and plant irrigation for about 40,000 people went completely dry. They remain dry as of April 2019.

c) Personnel with the Santa Clarita Valley Water Agency have determined that at least three to perhaps five successive years of rain fall of more than 30 inches per year would have to occur for these dry ground water wells to be recharged sufficiently to be pumped again.

d) This year, Santa Clarita has only received about 19 inches of rain, for less than is needed to even begin the recharge of the depleted wells that serve 40,000 people.

e) These facts reveal just how radically changed the project now before the Water Board is, compared to its previous form. The project always presented (until illegal action taken by this Sanitation District on February 25), always contained within it the benefit of providing more recycled water to Santa Clarita.

f) All the water now supplied to the areas where the ground water wells went dry, is water obtained from the Sacramento Bay Delta 450 miles away. Seventy percent (70) of this water is used to irrigate landscaping. All during the many years this so called "Choride Compliance Project" has been before the public, (there has always been just a single project, never two), the provision of recycled water has always been an integral part OF this project.

The environmental effects of using Sacramento Bay Delta water to irrigate artificial slopes, parks, school playgrounds, landscaped center road medians and more was not an issue when the now obsolete "Choride Compliance EIR" was compiled eight years ago. At that time, ground water from wells in the area was in adequate supply. Recycled water could fully replace much of the plant irrigation needs in Santa Clarita.

It is that commitment that the Sanitation District is attempting to abandon, in violation of a Court order. The far more drastic reliance upon State Water Project Water from Sacramento, because of continued Santa Clarita Valley Drought is one of the more

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important environmental condition changes that must be addressed in a current EIR, which must replace the now obsolete 2013 EIR>

g) The Sanitation District has not disclosed to the Water Board that is HAS NOT obtained (nor has it even sought) court permission to DELETE the major benefit of recycled water provision that was an integral part of the project this Water Board evaluated previously.

THIRTEEN: The Sanitation District miss informs this Water Board about the single project that is before it. It is not now, nor has it ever been more than one, single project. It has never been "two projects". The District clearly hopes that the Water Board will not question and reject this deception. If the Water Board does not "fall" for this trick, then the attempt by the Sanitation District to delete a primary project objective and present a vastly different project as if it were the same as seen before, would be rejected by this Water Board.

The proof that there has always been just a single project (never two) and that recycled water provision was always a central part of that single project is blatantly before the Water Board now. It is contained, visibly, in the very reports presented to the Board at this time.

FOURTEEN: Please note that the Sanitation District, in its attempt to evade the court order requiring the District to provide a full environmental study of providing recycled water, attempts to hide all that it has done to date to conform to the court order.

The District actually issued a CEQA "Notice of Preparation" for a "Supplemental EIR" for the recycled water project section of its "Chloride Compliance Project" EIR.

However, please note the exact nature OF that fully "noticed" CEQA NOP.

It was for a "Supplemental EIR" not at all an EIR on a fully separate project. Just what project EIR was this "Recycled Water Supplemental EIR" proposed to "supplement"??

Of course, it was the same old 2013 "Chloride Compliance Project EIR (set aside by the courts)" that had the provision of recycled water listed as a project benefit and actual EIR objective.

"Separate projects" under CEQA never are, somehow, "supplements" to other projects. If there were EVER "two projects", as asserted now by the Sanitation District

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(with no foundation), then the "Recycled Water" requirement would have been ALWAYS presented for review and analysis as an independent, standalone CEQA EIR, NOT a "supplement" to an existing EIR. Especially an EIR that has been successfully sued and overturned in Court.

Again, there have never been "two projects" but always just one. Please reject this blatantly false "two projects" assertion from the Sanitation District.

The Superior Court surely will in the near future.

FIFTEEN: The over two hundred million dollars in public funding from both State and Federal sources has yet to be approved, nor has it over come all the available appeals and formal objections to such funding. Approval of that funding appears to be on hold until after the trial that affects the fate of this project is concluded, and a ruling issued.

Without funding that is secured beyond appeal, it is not possible that the "new" "benchmarks" project "deadlines" shown in the "TSO's" can be met. The Water Board should not issue any "new" deadlines, based upon funding that has not been secured. Such funding must be fully secured and beyond challenge. That is not the case now.

SIXTEEN: Possible expired Basin Plan. Brief mention is made in the text of these two draft "TSO's" that the Basin Plan for the Santa Clara River is set to expire at the end of April. Public hearings on a new basin plan should be noticed and held, prior to what amounts to an amendment that is unclear as to its legal status. Is this action amending a plan that has expired? Is it amending a plan that has just been adopted? These profound questions are not answered in any documents at this time.

A project that has undergone such major changes cannot just be "extended". It should be presented as part of a new basin plan.

SEVENTEEN. As of this date, this project has no court approved CEQA document. The Sanitation District itself, as the result of a formal "CEQA Initial Study" years ago, determined that a full CEQA EIR was mandatory if this single project was to obtain public dollar funding and proceed to actual construction.

How can the Water Board treat these "TSO's" as if they were contemplated as part of a "real project", when the so-called project still has not fulfilled the most basic of environmental requirements under California Law? Namely, a fully certified CEQA

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Document free of legal challenge and Court jurisdictions? The Water Board cannot and should not act without these.

EIGHTEEN: The project that is asking for "more time" not only does not have a certified CEQA Document, free of legal challenge, the document it is attempting to "use", is legally stale.

All of the technical studies in the single master EIR (one project, one EIR, not two of either) were conducted in 2011, 2012, and in early 2013. These were compiled prior to the onset of the record California Drought, which has yet to "break" in the SCV.

Also, for the last several years, real estate development in the Santa Clarita Valley has "boomed". Large areas of development that used to be vacant land now are developed. The nineteen square mile Newhall Ranch project is being actively graded, as is the 2000-acre Skyline Ranch Project, the 15,000 job "Needham Ranch at Santa Clarita", and many more "smaller" projects.

Still others not contemplated when the single EIR for the Sanitation District Project was prepared are in the "pipeline". These new uses of land radically alter most of the "cumulative Impact analysis" contained in the legally "stale", obsolete EIR on the "Chloride Compliance Project".

In addition, many projects with zoning that was in effect when the 2013 EIR was being compiled have had their General Plan Designations and zoning changed. In many cases, land has gone from intense development uses, to "open space". These changes render a "we used the General Plan and zoning code for cumulative impact analysis" concept utterly invalid. Only a cumulative impact analysis based upon current conditions will conform to CEQA requirements, and an active court review.

This Water Board cannot "extend" the time for a project that has no EIR that is "legal", and "current".

NINETEEN: The Sanitation District has not disclosed to this Water Board that the provision of recycled water to the Santa Clarita Valley community was featured heavily

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as a benefit of the so called "Chloride Compliance Project" that would need to have a huge mega hundred-million-dollar rate increase to fund it. This "recycled water benefit" again, ALWAYS, touted as an integral part of the Chloride Compliance Project, WAS funded by a huge mega hundred-million-dollar rate increase.

This rate increase was placed before the property owners of Santa Clarita Valley, in a formal, legally required "proposition 218" rate increase election. Recycled water provision was fully a part of that rate increase, and the election it required.

Among the many mysteries presently not answered in the radically changed project in these "TSO's", is WHAT HAPPENS NOW TO ALL THAT RATE INCREASE MONEY, NOW THAT IT IS NOT GOING TO BE SPENT, SINCE RECYCLED WATER HAS BEEN "DELETED" FROM THE PROJECT?

Of course, no such "deletion" has really taken place yet, despite the illegal, ineffective actions so briefly alluded to by the Sanitation District.

TWENTY: Absolutely no damage to "beneficial users" downstream will happen as a result of these agenda items being taken "off calendar", so that the many defects noted herein can be corrected.

These is undeniable evidence, in the public record, that downstream users have suffered no damage at all from the water discharged into the Santa Clara River from the two Santa Clarita Valley Waste Water Reclamation Plants. This has been the truth for over fifty years.

The purpose of submitting this assertion into this public record, IS NOT to discuss the current 100 milligrams per liter of Chloride TMDL in some reaches of the Santa Clara River.

That discussion will happen in another agenda item, basin plan renewal hearing, or court action.

This is being submitted to prove that no beneficial users will be harmed if this item is taken off calendar.

Here is the first bit of proof that no damage to downstream users will result.

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For over fifty years treated sewage water from Santa Clarita Valley has flowed downstream to the Pacific. Hundreds of a farmers have been delighted to use it. During all those years, how many alleged "my crops were damaged, pay me for the damage lawsuits" were filed so that crop loss damage could be recovered from the "bad guys" that caused it?

None. None ever even filed, much less brought to trial. Why? Well, when you go to court, you must bring proof. These is no proof of damage. None that even can meet the far easier "preponderance of evidence" standard, or "strict liability" standard that would govern a suit for damages and financial loss to crops, caused by Santa Clarita treated sewage water.

Here is the second bit of proof that no damage to downstream users will result if these "TSO" agenda items are taken off calendar, so that necessary corrections can be made, and the Water Board may know the ruling from the Court in the pending trial in September.

Four and one half years ago, on October 9, 2014, a Water Board hearing agenda item was heard, where the issue before the Board, as submitted by this same Sanitation District, was a request for a "time extension" from the then deadline for the "Chloride Compliance" project to be operative of July, 2015, to a new deadline of July 2019.

A then head of the United Water Conservation District in Ventura County, named Mike Solomon, was summoned to the speaker's podium by a member of the Water Board, who has since left Board service.

At this time, an assumption was deeply embedded in some minds, that crop damage in Ventura from Santa Clarita Water was a fact. Under oath, Mike Solomon was asked by this departed Water Board member: (near quote). "If the Water Board DOES grant this additional four years of time for the Sanitation District to open the Chloride removal project, just how will "your farmers" be able to tolerate all the damage to their crops?"

Mike Solomon was given a perfect opportunity, in an unrestricted setting, in front of regulators who were "on his side" to paint a picture (if it was at all true) of devastation, crop loss, economic privation, environmental carnage, financial hardship, and any tale of woe he chose.

But.

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He was under oath. So, he said nothing of the kind. Not at all. He gave some vague comments about how crops could be compared to tree rings. Nothing, NOTHING was said to answer the question he was asked. Current Board members can actually read this quite revealing section of the October 9, 2014 hearing transcript. The hearing was held in Glendale City Hall City Council Chambers.

Some, in a tepid response to the "no litigation based upon alleged crop losses for 50 years of Santa Clarita Water use, for free" fact, make THIS allegation.

"No one sued, because for most of those fifty years, there was no restriction on how much chloride could be released into the water that flowed downstream". The legal terrain around this situation is complex, but the fact remains that no one sued for damages, AT ALL."

But.

What about suits to recover crop financial losses caused by "too high chloride levels", SINCE the ultra-low chloride TMDL WAS adopted, and chloride levels were higher than permitted?

The rational for the 100 milligram per liter TMDL has been that "beneficial ag. users were damaged by chloride levels higher than the 100 TMDL. That TMDL had frequently been exceeded, especially during drought.

Since then, any farmer claiming loss could go to court, say "here is the proof of how much money i lost, here is proof that Santa Chloride levels were higher than permitted, here is the proof that this higher than permitted chloride is responsible for the losses I suffered, now PAY ME!!!".

Why has no such suit been filed, SINCE the 100 milligram per liter of water Total Maximum Daily Load (TMDL) for chloride, found in some (but not all) reaches of the Santa Clara River was adopted?

Well, again, when you go to court, claiming you have damages, you have to bring proof. There is no such proof. This is why no lawsuits for damage recovery have ever been filed.

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TWENTY-ONE:

The Sanitation District DID NOT place its Chloride Compliance hardware in a location where the Distribution of Recycled Water could be sent to a majority of the customers of the District.

Contrary to the Court Order imposed upon the Sanitation District by the Superior Court, the public record shows that the District never had any intention of supplying large amounts of additional recycled to its rate payers, as presented as an inducement to the ratepayers to not oppose the mega hundred million dollar rate increase presented TO THOSE RATE PAYERS, in a formal "proposition 218" rate increase election.

This evidence is clear in the public record. To distribute recycled water at the least cost OF that distribution, a location central to the District for placing the so called "Chloride Compliance" hard ware should (and could) have been chosen. Instead, the District chose to place its "Chloride Hardware" at the far western edge of its District boundary.

There was no safe or available land FOR this "Chloride Hardware" at the far western edge of the District. As a result, the District was compelled to import large amounts of dirt, and FILL IN "River bottom" land, located in the actual water course of the Santa Clara River. This poor choice of a site clearly shows that the District was never interested in providing the recycled water it promised in all its "rate increase" promotional material.

Further proof is the District had (and still has) use of a site that is in the exact center of its service area, some FIVE MILES closer to the center than the site it chose. A one sentence lie about this site has been repeated in District literature for many years. That lie is "the Saugus Water Reclamation site has been "built out and has no room for expansion".

Nonsense.

Sharing a common, direct border with the so called "built out" Saugus Waste Water Reclamation Plant, is 231 acres of vacant land. This land is owned by the City of Santa Clarita. The three-member board of the Santa Clarita Valley Sanitation District is controlled by two members of the Santa Clarita City Council.

Given the huge interest in lower water bills in Santa Clarita, along with environmental concerns commonly held about over drafting ground water reserves, as well as the effects of high importation of amounts of Sacramento Delta Bay water, there is no

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question that the Saugus Sewage Plant could easily have been (and still could be) the location of the Chloride Compliance project.

All that would be needed, is for the two City Council Members who are Directors of the Sanitation District to simple arrange for their vacant land to be used, so that recycled water can be distributed from a central location. Since the District, in violation of a court order, is attempting to fully renege on all of its years old commitments to provide recycled water, as an integral part of its "Choride Compliance Project" this ultra "common sense" opportunity will continue to be buried in miss statements. Unless better judgement prevails.

TWENTY TWO: :
No fines to be levied against the Santa Clarita Valley Sanitation District are necessary for non compliance by the District with the previous set of "Strict Deadlines" it agreed to meet in October of 2014, as imposed by this Water Board.

This is because the missed deadlines were unavoidable, because of another "strict order" imposed upon the District by the Superior Court of California.

The Water Board and staff clearly understand this.

Since the Superior Court issued its writ against the Chloride Compliance Project in 2016, many of the deadlines the District agreed to meet, have been missed. The July 2019 deadline for the Chloride Compliance Project to be actually be operational is about to be missed.

The Water Board wisely did not attempt the fine the District for complying with a court order. No such "fine questions" were even placed upon a Water Board Agenda for discussion or consideration, much less action.

This was the correct course.

Taking these items off calendar now, until all the defects identified herein are resolved, will avoid a repeat of deadlines adopted, only to repeatedly be missed because of a Court Order, or other unresolved defects.

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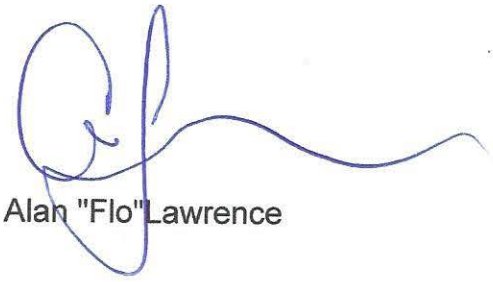
Again, in conclusion, the only reasonable decision for the Water Board to make, is to remove these items from its calendar. The items can be placed on another agenda when (and if) all the issues herein are addressed and corrected.

Thank you for the opportunity to comment on this extremely significant environmental and economic issue for the Santa Clarita Valley and its long-term future.

Warm Regards



Alan "Flo" Lawrence

cc: The Silverstein Law Firm