



Matthew Rodriguez
Secretary for
Environmental Protection

California Regional Water Quality Control Board Los Angeles Region

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Edmund G. Brown Jr.
Governor

February 21, 2012

Julie Vandermost
Vandermost Consulting Services, Inc.
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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR PROPOSED GATE KING INDUSTRIAL PARK TRACT 50283 PROJECT (Corps' Project No. 2006-01450-AOA), NEWHALL CREEK, SANTA CLARITA, LOS ANGELES COUNTY (File No. 11-123)

Dear Ms. Vandermost:

The Los Angeles Regional Water Quality Control Board (Regional Board) is in receipt of your letter dated February 2, 2012, "Subject: Request for Policy for Amendments." Your letter addresses our practice for amending previously-issued Clean Water Act Section 401 Water Quality Certifications (WQCs) and proposes an alternative fee for the above-referenced project.

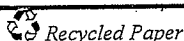
Gate King Properties, LLC is the applicant for the above-referenced project (Project) which will develop 67 Industrial and Commercial lots on 584 acres near or on Newhall Creek, a tributary to the Santa Clara River.

As you will have learned through your conversations with Bill Orme, staff at the State Water Resources Control Board (State Board), and with staff at this Regional Board, the authority for issuing, issuing with conditions or denying WQCs lie with the Regional Boards. This Regional Board has delegated the authority to the Executive Officer.

With each WQC, the Executive Officer certifies that any discharge from the proposed project will comply with the Clean Water Act, specifically the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) and with other applicable requirements of State law. Through the WQC, the Executive Officer and this Regional Board ensures that the proposed project complies with current requirements and practice.

While every project is different, the Executive Officer strives to ensure that applications for proposed projects are reviewed and certified, as appropriate, in an equitable manner. As your letter points out, when a long time has passed, it is important that the Regional Board re-evaluate a project for changes to the project, itself, but also changes to the condition of the site and

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Julie Vandermost
Vandermost Consulting Services, Inc
File No. 11-123

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changes to law, policy and practice. Changes in processes, cumulative effects, increased understanding of environmental impacts, and the State Board adoption of new regulation and direction make necessary the decision to have all such projects re-certified after five years. For projects similar to your Project, where certifications have expired, or are about to expire, and no, or little, action has been taken on the project and it is not an extension for a short amount of time (your application indicates construction over five to ten years), the Regional Board fully re-evaluates the project. In fact, for this project, Regional Board staff have undertaken the re-evaluation, reviewing the application, and other documents and meeting with you at the site.

Fees required for WQCs are based on California Code of Regulations, Title 23, section 2200(a)(3) and are established through a legal procedure by the State Water Resources Control Board. This Regional Board has no discretion to alter or reduce fees. Since a full re-evaluation of the project is taking place and since a new certification will be issued, the full fee amount must be assessed.

On August 16, 2011, we sent a "Request for Information," to inform you of the materials necessary to complete the Application, which included "A copy of your California Department of Fish and Game (CDFG) Streambed Alteration Agreement (draft or final), if available (23 CCR §3856(e))" for the project. We have not yet received a copy of the document. In addition, we are in receipt of your letter of February 2, 2012, which you sent in reply to staff questions during the site visit on November 14, 2011. We appreciate the thoroughness of your response.

Once this Regional Board receives complete application materials and fees, the Clean Water Act Section 401 Water Quality Certification can be completed.

We look forward to working with you. Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733, or by email:

danacole@waterboards.ca.gov

or Dr. LB Nye (213) 576-6785, also contacted at:

lnye@waterboards.ca.gov

Sincerely,



Samuel Unger, P.E.
Executive Officer

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Distribution List

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