

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



11-25-14

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-2000



Via email to: commentletters@waterboards.ca.gov

Re: Objection to Revision and Weakening of Upper Santa Clara River Chloride TMDL (R14-010)

Honorable Board Members and Staff:

SCOPE has consistently commented on this issue since the late '90s when the reaches in question for this amendment were first placed on the 303d list. We have participated in stakeholders groups, appeared at public hearings and written extensive comment letters, both to this Board, the Los Angeles RWQB and the Los Angeles County Sanitation Districts in an effort to ensure that the Santa Clara River and its beneficial uses are protected as required by the Clean Water Act. We submitted comments to the LARWQCB and appeared on this matter at its Oct 9th, 2014 meeting where this resolution was considered. We now timely file this comment letter on 11-25-14.

We begin our comments by stating that we are extremely discouraged with this process and the Board's failure to reach a final resolution on the matter. Instead, both the time for completion has been extended and the levels of the TMDL have been weakened. The Sanitation District has filed lawsuits instead of attempting to comply in an efficient and cost effective manner. They dragged their feet over producing an EIR and even now have released a supplemental EIR for an issue that should have been covered by the original document, thus once again slowing down the process.

As you are aware, a fully compliant program and schedule was approved by your Board and the EPA at the request of the Sanitation Districts in 2008. The Districts then decided not to proceed with that program. So it is now 2014, six years later, and instead of demanding compliance the Los Angeles Board is allowing the TMDL to be weakened (from 100 to 150 mg/l in reaches 5 and 6 and a less stringent rolling average in the Newhall Ranch area below the Valencia Sanitation plant).

It seems that the Los Angeles Regional Board, instead of maintaining a strong position for compliance, will now obtain compliance by weakening the standards. This is unacceptable. Instead of finding ways to encourage compliance, they have allowed these delay tactics to impede the final resolution of this matter and, ultimately, the reduction of salt in the Santa Clara River.

The environmental community did not dispute the findings on the effect of salts on species and habitat in the Santa Clara River, although, clearly studies were done only on adult species, and not done on impacts to needed habitat, reproduction or effects on juveniles, eggs, etc. We did not object to this because we felt the compromise made with the farmers of 117 mg/L on an instantaneous basis was sufficient protection. Now the Board proposes 150 mg/L on a rolling average, which could allow considerably higher levels of chlorides. We believe the impacts to endangered species and their habitat must be re-visited before these new limits are accepted.

When will these higher levels occur? Will they affect viability of fish and amphibian eggs if the occur in the breeding season? No review of these issues was conducted by the LA Board.

On what grounds has the Board agreed to this higher level of salt and extension of time? Will such an increased level affect dischargers' ability to meet the required 117 or 100 mg., or are these levels now being permanently abandoned? How is this allowed when all studies indicated that the Santa Clara River agricultural beneficial use will be affected at levels over 117mg/l?

The Regional Board did not address what affect this change will have on other permits issued in reach 5, i.e. the Newhall Ranch Sanitation District permit and the WDR for Newhall Ranch recently issued? How will these be enforceable if other dischargers are allowed a higher limit?

We understand that there is a new proposal to re-water the upper reaches of the river with some of the sanitation district effluent. Such a proposal has merit in that it could improve both water supply and habitat in the upper river. This might be a reason to allow some change to reach 6 of the river to accommodate such a project. But without any firm proposal and commitment to such a plan, we see no reason why the Board should now be weakening the chloride TMDL for the benefit of a party that has made every effort to avoid compliance. Now, a weakened TMDL in reach 6, allowing the Saugus plant to discharge at higher chloride levels may preclude ever getting recycled water to the upper watershed. All the recycled water will be funneled downstream to the great advantage of the Newhall Land and Farming Company and its proposed 21,000 unit Newhall Ranch project, which will become the only user able to easily access this recycled water.

The Resolution should have included strong language regarding compliance. Instead, a statement was included that allowed for adjustments to the schedule. Based on the past actions of the Sanitation District, we have strong concerns that such a lenient arrangement will be abused.

One last note, it appeared that some information provided in the October notice was incorrect, in that from RWQCB maps, reach 5 is below the Valencia plant, while the notice for this project stated that it is above the Valencia plant. Please clarify this issue as it will have a substantial affect on compliance.

Thank you in advance for your attention to these concerns.

Sincerely,



Board Secretary