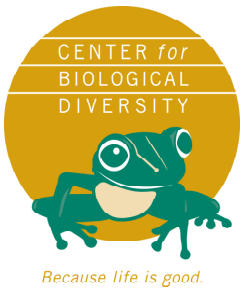

April 9, 2012

Executive Officer
Sam Unger, P.E.
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

RE: Newhall Ranch Development Project

Dear Mr. Unger:

These comments are submitted on behalf of the Center for Biological Diversity, the Friends of the Santa Clara River, Santa Clarita Organization for Planning and the Environment (SCOPE) and the Sierra Club, Ventura Chapter. We also include by reference any comments submitted by Heal the Bay and/or Ventura Coast Keeper or other organizations with the specific goals of protecting and water quality and the beneficial uses of the Santa Clara River.

We are writing to you regarding Newhall Ranch, the major development project in Los Angeles (LA) County that, if it goes forward as planned, would likely cause significant harm to water quality and endangered wildlife and plant species. We thank you and your staff for meeting with us, listening to our concerns and for all the work your staff has done over the last several years on this project. We are writing to ask that the Los Angeles Regional Water Quality Control Board take the actions we have outlined in our letter, in accordance with its duties under the Clean Water Act, and as outlined in the Board's Resolution regarding Hydromodification (#2005-002) to ensure that Newhall Ranch does not cause or contribute to the impairment of water quality and the ecological integrity of the Santa Clara River.

As we begin this discussion we especially direct your attention to the findings of the Hydromodification Resolution approved by your Board.

Section 2 of the Resolution describes its purpose, one that is particularly relevant to the Santa Clara River and the project before you, that it "…sets forth a process to achieve one of the Regional Board's highest priorities, which is to maintain and restore, wherever feasible, the physical and biological integrity of the Region's water courses. Secondarily, maintaining the natural functions of water courses maximizes opportunities for stormwater conservation and groundwater recharge, which is very important in the semi-arid Los Angeles region where groundwater makes up half of the Region's water supply." And section 3 "…The Regional Board also strongly supports preservation efforts geared toward ensuring long-term protection for the

Region's remaining natural water courses." Section 14 acknowledges the Santa Clara as one of the few watercourses with sections remaining in a natural state, (including the reaches affected by the permit before you), and thus able to "provide immeasurable benefits to the Region. These benefits include high quality warm and cold-water aquatic habitat, spawning habitat, migratory pathways, wildlife corridors, wildlife and riparian habitat, wetland habitat, recreational and aesthetic enjoyment, and groundwater recharge."

Section 19 further states:

> "The Regional Board strongly discourages direct hydromodification of water courses except in limited circumstances where avoidance or other natural alternatives are not feasible. In these limited circumstances, project proponents must clearly demonstrate that a range of alternatives, including avoidance of impacts, has been thoroughly considered, hydromodification has been minimized to the extent practicable, and adequate in situ and/or off site mitigation measures have been incorporated to offset related impacts. Project proponents must also document that there will be no adverse effects to water quality or beneficial uses. This approach is consistent with the California Environmental Quality Act (CEQA), federal regulations and State and federal anti-degradation policies.

We assert as we have in all public process forums for this project, that further avoidance of the natural waterways is both feasible and practicable and that the range of alternatives, including avoidance was not thoroughly considered. We believe the Board's own correspondence on this project in a variety of public forums, upholds this viewpoint. We attach the Board's previous correspondence to this letter and include it for the record. Further, as particularly required in the resolved section 4 of this resolution, we assert that this project does not include "adequate analysis of a range of alternatives, where an alternatives analysis is required, has been performed consistent with the Porter-Cologne Water Quality Control Act, CEQA and anti-degradation requirements."

Of specific importance to the proposed project permit before you is section 10, 11 and 12 of the in the findings of the resolution:

> "10.Many hydromodifications were undertaken with laudable goals often for public safety and welfare, but have later been shown to de-stabilize and enlarge stream channels as well as degrade habitat and reduce species abundance and diversity. As a result, when reviewing Resolution No. 2005-002 hydromodification projects it is important to carefully consider whether the immediate improvements sought are designed in such a way as to avoid unintended adverse consequence on the character of the receiving water and its beneficial uses in the vicinity, and downstream of the hydromodification.
>
> 11.Activities that alter natural *stream flows* may include increasing the amount of impervious land area within the watershed, altering patterns of surface runoff and infiltration, and channelizing natural watercourses. Activities that alter the natural *stream channel* include but are not limited to human-induced straightening, narrowing or widening, deepening, lining, piping/under-grounding, filling or relocating (i.e. channelization); bank stabilization; instream activities (e.g. construction, mining, dredging); dams, levees, spillways, drop structures, weirs, and impoundments.
>
> 12. Hydromodifications may impair beneficial uses such as warm and cold water habitat, spawning habitat, wetland habitat, and wildlife habitat in a variety of ways. Modifications to stream flow and the stream channel may alter aquatic and riparian habitat and affect the tendency of aquatic and riparian organisms to inhabit the stream channel and riparian zone.

> As a result of these hydromodifications, the biological community (aquatic life beneficial uses) may be significantly altered, compared to the type of community that would inhabit an unaltered, natural stream."

In section 21, the Resolution re-states the Board's authority to deny. "In the event that a project will not comply with applicable water quality standards, even with all conditions proposed, then the certification may be denied. (Cal. Code Regs., tit. 23, § 3837, subd. (b).)"

We assert that this project cannot and will not comply in the future with applicable water quality standards. Its approval will result in irreversible degradation to existing riparian habitats and water quality, both in the project area and downstream as a result of the permit approval.

I. Introduction:

Section I. of this letter includes an introduction describing the resource(s) at risk, major project impacts, an overview of water quality issues raised by USEPA, and a description of the broad authority your agency has to control proposed impacts. Section II. of this letter includes our detailed concerns and respective recommendations--organized into the following parts:

1. The Accuracy and Adequacy of the Water Quality Modeling;
2. Need to further Avoid and Minimize Impacts to Water Quality via Floodplain/Riparian Buffer Protection;
3. The Need to Minimize Chloride Impacts via Reverse Osmosis Treatment Plant;
4. The Need to Minimize Impacts Associated with Storm Water: Low Impact Development, Hydro modification, and MS4 issues are covered here;
5. Compensatory Mitigation

Section III of this letter covers our recommendations regarding the permit process--organized into the following parts:

1. LA and/or Ventura MS4 permits Are Not Appropriate for Newhall Ranch:
2. State General Construction Permit Is Not Appropriate for Newhall Ranch
3. Enforceability
4. Tiered Permitting

1. Resource Description:

Newhall Ranch is a 12,000-acre site that abuts one of the most pristine reaches of the Santa Clara River (SCR), in the northwest corner of LA County, California. The SCR is the last major river system in Southern California that remains in relatively natural, free-flowing condition. It is home to over 117 threatened, endangered or sensitive plant and wildlife species or communities. Of these, 18 are federally listed, two are candidates and 14 are state-listed. These include steelhead trout, California condor, mountain yellow-legged and California red-legged frogs, arroyo and western spade-foot toads, coast horned lizard, southwestern pond turtle, tidewater goby, arroyo chub, Santa Ana sucker, unarmored threespine stickleback, California least tern, western snowy plover and least Bell's vireo.

2. Project Description:

The proposed Newhall project development severely threatens the water quality and biological integrity of this watershed. Specifically, the project proponent proposes to remove the tops of the mountains/hills and use the sediment to create building pads for 19,812 residential units and 5.4 million square feet of commercial area on 2,587 (of the 12,000)

acres. This consists of 208 million cubic yards of mountain top removal/valley fill, (which would fill enough dump trucks to stretch over 3 times around the earth's circumference.) The result would be to permanently fill 20.8 linear miles of tributary creeks (66 acres of waters of the U.S., including 8 acres of wetlands). More specifically, 10.6 linear miles of tributary would be buried and converted into underground storm drain. The remaining 10.2 linear miles of tributary, which are too large to put into storm drains, would be buried under 30 feet of compacted soil taken from the mountain/hill tops. On top of the valley fill new channels would be constructed, lined with levees on both sides, and would contain drop structures bisecting the channel (these are small dams) about every 15 feet (up to 15 feet tall)--eliminating the potential for wildlife movement. Another 32 acres of waters of the U.S. (11.4 of which are wetlands) would be "temporarily" impacted.

Rather than include the total impact on wetlands and waters of the U.S.that would result from approval of this WDR, the document oddly includes only an individual project description for each "village" in the project. This approach substantially diminishes the magnitude of the impacts that would occur to the watershed should this permit be granted. We believe that such diminution gives your board an inaccurate, subjective view of the project before them. We therefore request that the project description be re-written to include a total of impacted acreage in the initial paragraph so that decision makers and others understand the magnitude of the impacts that would occur under this 401 certification, even with mitigation. The proposed Newhall project would also cause significant adverse impacts to the main-stem of the Santa Clara River and its floodplain. The project would straighten, widen, and levee at least 3.2 linear miles of the Santa Clara River main-stem including destroying 110 acres of the river's floodplain to allow construction of a new mini-city (called Landmark "Village", just the first phase of this permit) in the river's floodplain. In addition to destroying vital floodplain functions, we are concerned this would increase the risk of flooding to communities downstream and place the residents of the new mini-city directly in harm's way.
As EPA has noted, filling in 110 acres of floodplain is inconsistent with the Floodplain Executive Order (11988). It is also inconsistent with Clean Water Act section 404 public interest review regulations. The enclosed photo shows the river flowing in the exact location of the proposed homes during the 1983 (30-year) flood event.

Additional errors in the project description involve the approval status of various projects. For example, the Landmark project only obtained final approval from the County of Los Angeles on Feb 21st. 2012, not Oct 4th where it received only tentative approval. The Mission Village tract has not yet received final approval and received only tentative approval on Oct. 25th. County approvals for other tracts in this project have advanced no further than a Notice of Preparation (Entrada) or have not even proceeded that far. These facts should be noted in the project description in order to give a more accurate view of the actual project status.

While the Record of Decision for the USACOE 404 permit was indeed released, it is our understanding that this permit cannot become final until your Board approves a 401 certification for the project.

A project description that implies all permits have been approved gives the false impression that there is unanimous public agency support for this massive proposal. We do not believe

that is the case, and that in fact granting this permit now for all the tracts may pre-empt a more thorough public process at the County level.

Further, it should be noted that several organizations have challenged the legitimacy of the CFGD River Alteration permit, filing legal objections on Jan. 3, 2011. Public interest groups also filed a complaint against the County approval of the Landmark tract for various disclosure problems and inadequate mitigation on March 22nd, 2012.

3.Water Quality Concerns raised by USEPA:

In a letter dated September 17, 2009 and attached, EPA found that the project "will have substantial and unacceptable impacts" to the Santa Clara River, which EPA designated as an Aquatic Resource of National Importance. While some of the originally proposed impacts have been reduced in the modified proposal (in Potrero Creek), these minor alterations--while moving in the right direction-- are not enough to negate EPA's prior findings. As EPA stated in their final letter to the Corps dated August 9, 2011:

> "As you know, we remain concerned that there is currently not an implementable plan for ensuring that wastewater discharges from the project will not contribute to degradation of water quality in the Santa Clara River, which is already listed as impaired for chlorides under Section 303(d) of the CWA. The applicant's current plans to pump sewage to a treatment plant that has been out of compliance with existing water quality requirements is troubling."

In fact, this issue represents a failure to adequately mitigate in a manner that will protect the Santa Clara River, comply with the Chloride TMDL and address the excess of salty brine produced by any reverse osmosis treatment facility.

The original Specific Plan and 404 permit stated that Newhall Ranch would provide a reverse osmosis treatment plant (described in NPDES Permit #CA0064536) issued by the Regional Board in 2007). Brine disposal was proposed for abandoned oil wells (since no brine line to the ocean exists from the Santa Clarita Valley). To our knowledge, no oil well disposal permit has been granted by EPA due to the proximity of other wells that had not been abandoned and the subsequent concern over pollution of the deep ground water aquifer (the Saugus Aquifer) with salt leakage through fractured rock.

Now, rather than addressing the substantial issue of how the brine will be disposed for this massive added load, the problem has been off-loaded and illegally deferred to the Sanitation District. (see their current NOP, attached), and to the taxpayers of Santa Clarita, rather than the developer.

The County of Los Angeles also illegally deferred this problem to the Sanitation District, when, in its final approval (dated Feb 21st, attached) required per Condition 89 B.:

> "At the permittee's sole cost, and for purposes of further treating wastewater that will be sent to the Valencia WRP from Newhall Ranch to a chloride concentration level of less than 100 mg/I for up to 6,000 equivalent dwelling units, the permitee shall complete the construction of interim chloride and demineralization facilities to the satisfaction of the Santa Clarita Valley Sanitation District, which facilities shall consist of, at a minimum: (1) a 1.2-acre demineralization facility to be constructed

> adjacent to the existing Valencia WRP; (2) a 1.6-acre brine disposal well facility located within the Valencia Commerce Center, north of Castaic Creek; and (3) associated lines to and from the Valencia WRP to be constructed in existing road rights-of-way primarily within the project's utility corridor. For purposes of this Condition and Condition No. 90, "equivalent dwelling units" shall represent a wastewater equivalency determination based on an equivalency formula used by the Santa Clarita Valley Sanitation District"

We note that this statement is merely a "condition" that can be changed by a majority of the Board of Supervisors at any time. It is NOT an enforceable mitigation requirement of the EIR. Further, correction of this problem has been deferred to the Sanitation District, an agency that has already received Notices of Violation at its two Santa Clarita treatment plants for failure to meet the TMDL for chlorides in their releases. (Notices of Violation issued for the Saugus and Valencia Treatment Plants on May 27th, 2011)

Thus, although a path to compliance may be emerging, many steps must be completed before the Valencia facility will be in a position to accept wastewater from Newhall Ranch. As this project moves forward over many years to come, it will be critical that the federal and state governments work together to integrate CWA actions and solutions to protect public health and the environment."

4. Authority To Require Minimizing Water Quality Impacts from Uplands--Cumulative Federal Control and Responsibility Over Newhall Ranch

The USACE has properly defined the Scope of Analysis (the cumulative federal control and responsibly over the project) to be the entire project foot print--not just the Waters of the U.S. This means that when applying the requirements of the federal Clean Water Act, the Water Board has a great deal of control and authority over the project's impacts. The Clean Water Act 404b1 guidelines require that impacts to Waters of the U.S. be first avoided, then minimized and lastly compensated for. Given the large scope of analysis taken, the Water Board has extensive legal authority and responsibility under the Clean Water Act to require mitigation measures in the upland areas of the project that would minimize water quality impacts to jurisdictional water bodies. Impacts to Waters of the U.S. are minimized by control over post development design features such as LIDs, riparian buffers, the Reverse Osmosis Treatment plant, and the on-going management of sediment from the debris basins.

II. Detailed Comments and Recommendations:

1. Concerns Regarding the Accuracy and Adequacy of the Water Quality Modeling:

We share the concerns raised by the your agency's letter dated January 4, 2011 regarding unsupported conclusions and the inadequacies of the methods used in the Sub-Regional Water Quality Mitigation Plan (SWMP) for Mission Village. Furthermore, we believe that the Water Board is in agreement with us that all the points raised by the board, regarding the Mission Village part of Newhall Ranch, apply to the entire Newhall Ranch. In addition, we would like to point out the following additional items regarding the SWMP:

A. Design Storm Event for Treatment BMPs: A single design storm cannot adequately capture the variability of rain and how that translates into runoff or pollutant loadings, and thus is not suitable for addressing the multiple objectives of storm water management. Of particular importance to the types of problems associated with urbanization is the size of rain events. The largest and most infrequent rains cause near-bank-full

conditions and may be most responsible for habitat destruction; these are the traditional "design storms" used to design safe drainage systems. However, moderate-sized rains are more likely to be associated with most of the annual mass discharges of storm water pollutants, and these can be very important to the eutrophication of lakes and near-shore waters. Water quality standards for bacterial indicators and total recoverable heavy metals are exceeded for almost *every* rain in urban areas. Therefore, the whole distribution of storm size needs to be evaluated for most urban receiving waters because many of these problems coexist." **http://www.epa.gov/npdes/pubs/nrc_stormwaterreport.pdf**

i. Page 138 of the SWMP states that the design storm event for treatment BMPs is the 0.75 inch of rain in a 24 hour period. However, the isohyetal map in Appendix C of the LA County Department of Public Works, Water Resource Division, Hydrology Section Report shows that the 85th percentile 24 hour rainfall depth is 1.1 inches for the Newhall site. Thus we are concerned that the 0.75 inch/24 hours period design storm event would be inadequate to mitigate hydromodification and water quality impacts from the proposed project.

Recommendation: We recommend evaluating the projects impacts to water quality, hydromodification, and the erosion potential of the tributaries on-site and the Santa Clara River for a variety of storm design events. Should the Water Board ultimately choose the 85th percentile storm design event, then we recommend requiring BMPs be designed to retain the volume from the 85th percentile storm event which is 1.1 inch/24 hours for the area of Newhall Ranch --not 0.75 inch/24 hours which is the average 85th percentile storm event for all of LA County.

B. Baseline: Page 118 of the SWMP shows the assumption that the pre-development baseline condition of the open space agricultural area contains 1-2% impervious surfaces, which is equal to 120-240 acres. This assumption appears to overestimate the amount of impervious surface for the pre-project conditions and thus the net change in on-site runoff from pre to post conditions is likely underestimated. Therefore, the net increase in total storm water runoff, and respective pollutant loads, is likely larger than the model outputs have predicted.

Recommendation: We recommend that the Water Board independently assess the extent of the baseline impervious cover, and then use the correct baseline conditions in the model to determine the net change from pre-project to post-project water quality metrics to more accurately assess how the proposed project would impact water quality.

C. Overland Runoff: We are concerned that the SWMP underestimates the pollution loads that would be discharged from the project because: i) it appears that the modeling was done using a two-dimensional as opposed to a full three- dimensional surface area. If the post development surface area is underestimated, then it would have the result of underestimating the amount of pollution from storm water runoff that would be produced on-site; ii) it appears that the model was run assuming porous sand for the entire site; we are concerned that this is inaccurate as there are likely to be varying types of soils on-site. Also, it appears that the applicant proposes to highly compact the soils on-site so post development soil conditions would be highly modified. We are concerned that the pre and post development hydrologic conditions may not be modeled accurately and thus storm water impacts could be underestimated. iii) It appears that the water impacts were not modeled on the sub-watershed scale (*called the village map scale for this project)*. Instead, it appears as if the storm water

impacts from developing approximately 3000 acres of Newhall Ranch, were dispersed over the entire 12,000 acre site. By including the entire 12,000 acre in the storm water model, it appears that the model improperly included entire sub-watersheds that would not be impacted by the project, and would not contribute any filtering capacity for the proposed pollutant loads. These unimpacted sub-watersheds would provide no pollutant loading reduction functions to mitigate storm water impacts from the proposed development. Thus by including the entire 12000 site in the model, the model would have the result of grossly underestimating the storm water impacts to the Santa Clara River.

> **Recommendation:** We recommend that the Water Board require, and independently review, water modeling conducted in a manner that includes the three-dimensional surface area with differing porosity/infiltration capacity at the sub-watershed (village) scale for pre and post-development conditions.

D. Modeling Assumptions Regarding the BMP Volume Based Pollutant Load Reduction: It appears that only two kinds of BMPs were modeled; these are extended detention basins, bio-filtration (storm drain filter inserts). They were not modeled based on treatment performance but instead were based on a generalized assumption that, when storm water enters the detention basin and vegetated strips, 20-25% of the polluted water infiltrates into the ground or evapotranspirates, thus reducing the volume of storm water runoff and pollutant load ultimately discharging to the Santa Clara River by 20-25%. It appears that the SWMP derived these estimates from the 2003 International Stormwater BMP Database. These pollutant volume reduction estimates appear to be quite high and may have been overestimated. Additionally, the SWMP does not identify or explain which reference site from the 2003 Database was used to estimate these pollutant volume reductions. Since 2003, a great deal has changed regarding the data gathered on BMP effectiveness with regard to site specific hydraulic and soil conditions. The assumption that, because pollutant loads enter a detention basin, these pollutants are then just completely removed from the system, is incorrect and results in a failure to identify and analyze the impacts. In all likelihood, when the storm water enters the detention basins, the volume of storm water that infiltrates into the basin will carry with it the aqueous phase pollutants which will then migrate back into the base flows of the Santa Clara River and into the ground water wells. These impacts are not assessed. Moreover, the non-aqueous phase pollutants will adhere to the sediments --which are proposed to be trucked and dumped into the Santa Clara River at unidentified locations. These impacts are not assessed.

> **Recommendation:** We recommend that the Water Board require, and then independently review, proper storm water modeling to assess the likely impacts from this proposed project. The most updated BMP treatment performance data, with the most comparable reference sites in terms of soils, and hydraulic conditions should be used, not outdated volume reduction data taken from unknown reference sites. We further recommend that prototypes for a home, business building and street with the LID BMPs we mentioned above, be modeled in specific locations along specific proposed three-dimensional flow paths (from an approved Drainage Concept Report) in the context of underlying hydrological and soil characteristics of the location on-site where they would be situated Moreover, as noted in the following section, use of source control LIDs should be used instead of detention basins and storm water inserts.

2. Need to further Avoid and Minimize Impacts to Water Quality via

Floodplain/Riparian Buffer Protection

Natural floodplains protect the public's interest—bringing floodplains into development harms the public interest. The chemical, physical and biological integrity of our waters depend on floodplains[i] [ii]. Yet the USACE floodplain impact analysis (within the FEIS and ROD) fails to recognize this, and instead focuses on managing flooding impacts by providing levees around the proposed development and by elevating homes above the base flood level with soil taken from grading hilltops and dumping it into the floodplain. These are significant modifications to the river that would constrict river flows into a narrower channel, increase flow velocity, scour, energy head, shear stress, down cutting, head cutting, decrease channel/bank stability and disrupt transport of sediment and organic matter.

Key Reports Showing Cumulative Impacts to SCR and Need for Floodplains Preservation:

Ironically, the USACE' Los Angeles District Planning Division contracted Stillwater Sciences to complete a geomorphic assessment of the Santa Clara River (2011). The assessment found that throughout much of the river, active channel widths have been reduced by floodplain and river encroachment over the last several decades. They stated that "these width reductions and flow constrictions have the potential to create an unstable condition in the river's morphology, which could result in accelerated channel bed level changes and/or bank failure and create additional hazards to the population and infrastructure."[iii] Likewise, the Ventura County Historical Ecology Study found " The lateral extent of the river corridor has decreased dramatically in some reaches from the 19th century to the 21st. Different land uses have encroached on the former river corridor, claiming many of the less frequently flooded bottom land surfaces. The river currently occupies only a small portion of its former area; almost 50% of its former area has been lost. What remains is largely the much more dynamic active river channel."[iv] These reports underscore the significant impacts that have already occurred due to floodplain loss, the subsequent instability of the river, and the importance of preserving the remaining floodplain.

Modeling Used in the FEIS Is Flawed and Underestimates Impacts:

The USACE addendum to the FEIS continues to assert that the 5.5 miles of cement levees and the loss of 110 acres of 100-year floodplain would not result in impacts downstream. The Ventura County Watershed Protection District, and Stillwater Sciences have reviewed the hydraulic modeling, which were prepared by PACE Engineers, Inc. and presented in the FEIS/R as sections 4.1: Surface Water Hydrology and Flood Control, and 4.2: Geomorphology and Riparian Resources. We have enclosed their comments for your review. These comments show that the model assumptions and results are not accurate and suggest that the impacts disclosed in the FEIS are underestimated.

> **Recommendation:** A) Review the detail comments by Stillwater Sciences (August 2011) that we have enclosed. B) Work with Stillwater Sciences, the California Coastal Conservancy and the Ventura County Watershed Protection District to insure the correct hydraulic analysis is being conducted.

Future Conditions Underscore the Need to Preserve the Floodplain:

i. Urbanization:

Foreseeable future urbanization's impacts on the Santa Clara River have not been addressed in the analysis[v]. Increases in population and urbanization throughout the watershed, and in particular in the area immediately upstream of Newhall Ranch, are likely to have negative

effects on the geomorphic processes in the river corridor—this underscores the importance of preserving floodplains to buffer these effects[vi].

> **Recommendation:** In order to properly evaluate the foreseeable future cumulative impacts: 45% (131,000 acres) of the Eastern Sub-basin –the area upstream of Newhall-- should be modeled as urbanized[vii].

ii. Climate Change: Likewise, The 2009 California Climate Change Adaptation Strategy warns that the adaptive capacity of riparian ecosystems to deal with climate change has been reduced as a result of past land use decisions that have separated streams and rivers from their historical floodplains through construction of levees, development on floodplains, or both."[viii]

Taxpayers are the Harmed Party:

This project will place a long-term significant liability on the taxpayers. We have enclosed photos of the Santa Clara River flooding in the same location as proposed for Landmark Village. "Some records show that the SCR gets 60,000cfs of flow during a 100-year storm event in particular reaches, while downstream reaches may experience far greater levels. Allowing this area to be developed would place humans and natural resources at risk. We have seen countless examples of areas that were brought into development by construction of levees that would supposedly protect homes from floods. The resultant lasting effect is cost to human life and a billions of taxpayers' dollars. 2011's flooding damages due to levee failure along the Missouri and Mississippi Rivers alone cost approximately $4 billion [ix] [x]. Long after the short-term economic gains of the original development have disappeared and the land developer has run off with the profits, the long-term costs are paid for by the taxpayer.

The Santa Clara River is such a rare ecological treasure that the California Coastal Conservancy—along with other state, local and federal government agencies' --has spent approximately 29 million in taxpayer dollars to purchase and preserve the Santa Clara River floodplain[xi]. The CCC and Ventura County's Watershed Protection District have voiced grave concerns about this project's failure to properly analyze and mitigate impacts[xii]. The aforementioned discussion shows that it is in the public's interest to avoid impacting 110 acres of floodplain.

> **Recommendation:** When evaluating whether or not issuing a permit is in the public's interest and considering cost/economic factors, analyze the lifecycle and real costs to taxpayers—not just short term economics. Moreover, consider the investments that taxpayers have already made that would be put at risk by impacting the floodplain.

Further, no need for additional housing in the Santa Clarita Valley exists at this time. According to the recently approved General Plan update (EIR, p. 3.19-3, Chapter attached) for the area, as mnay as 39,500 units have already been approved in the area, but remain unbuilt. These include thousands of units in half built projects such as the West Creek and Riverpark developments, owned by the same permit applicant, developer Newhall Land. According to recent real estate data, approximately two thousand houses are currently in foreclosure.

Failure to Demonstrate Why Avoidance of Floodplain is Impracticable:

At issue is the applicant's/USACE rejection of a land use alternative (FEIS Alternative 7)

that would avoid all floodplain impacts of Landmark Village without proper analysis. The FEIS contends that such avoidance would not be practicable in light of costs. Specifically, the applicant claimed Alternative 7 was impracticable because it would cause a reduction of 286 dwelling units and 828,000 square feet of commercial space, making this alternative impractical when compared to the LEDPA. This claim is unsubstantiated given: (a) comparing the "additional" cost to the baseline of another alternative, rather than an independent and reasonable market standard, is not appropriate; (b) the applicant failed to demonstrate why any of the 286 dwelling units or commercial space need be lost considering the flexibility they have to reconfigure the layout within the 292 acre footprint for Landmark Village or the 2,800-acre footprint for Newhall Ranch as a whole; and (c) the applicant failed to explain why the alleged 1.4% reduction in residential units (from 19,517 to 19,231) renders the Newhall Ranch project as a whole impracticable from a cost perspective.

Similarly, the applicant/USACE had contended that avoidance of impacts to Potrero Creek were impracticable with regard to costs. However, with pressure from the EPA, the applicant finally admitted to being able to avoid important waters of the US in the Potrero Canyon Village area of Newhall Ranch. The result was to relocate the dwellings proposed to be constructed along the banks of Potrero Creek further into the uplands, and locating the golf course and open space in their place. By doing this, the applicant was able to forgo bank stabilization that would have resulted in significant impacts to waters of the U.S. The applicant has failed to do a similar analysis of alternatives for Landmark Village (with regard to avoiding the floodplain). We believe that further floodplain avoidance for Landmark Village is truly practicable and is imperative in protecting water quality.

Avoidance of floodplain is supported by:

1) Floodplain Executive Order 11988, which requires all federal agencies to "evaluate the potential effects of any actions it may take in a floodplain," and "to consider alternatives to avoid adverse effects and incompatible development in the floodplains";
2) Research indicates that wide riparian buffer strips (this includes floodplain preservation) are critically important in protecting water quality. The USACE's technical memorandum on buffers suggests maintaining a 100-meter buffer strip on each side of streams in order to protect water quality;
3) The public interest review regulations at 33 CFR 320.4(l)(2) which require that "whenever practicable the natural and beneficial values served by floodplains are restored and preserved";
4) The requirements in the 404b1 guidelines that a) only allows the Least Environmentally Damaging Practicable Alternative to be authorized and b) requires that all impacts to the aquatic environment be avoided which can practicably be avoided. Environmental impacts to be assessed include those to floodplains[xiii] and aquatic habitats [xiv] as well as waters of the U.S.;

In sum, many policies support avoiding the floodplain because it is in the public's interest to do so. Given that the cumulative federal control and responsibility of this project is the entire project footprint, there is a great deal of control your agency has over this project. The Clean Water Act's 404b1 guidelines requires avoidance and minimization of impacts to waters of the U.S. and it also requires that only the Least Environmental Damaging Practical Alternative be permitted. We strongly urge the Water Board to take a hard look at avoidance of the floodplain as a buffer area to protect water quality.

Recommendation: Specifically, we recommend taking a hard look at floodplain avoidance alternatives that: (a) increase density elsewhere on-site, (b) reconfigure the site layout to avoid impacting the floodplain, and (c) assess how an outright 1.4% reduction in residential units might be practicable with regard to costs compared to an independent reasonable market standard (not compared to costs of another project alternative).

3. Minimize Chloride Impacts via Reverse Osmosis Treatment Plant

As the Board is aware, and EPA has pointed out, the project seriously threatens the ability to recover the SCR from chloride impairments.

Recommendation: before any grading occurs and homes are built, that Newhall be required to, by special conditions of a 402 permit, to either commit to build the Reverse Osmosis treatment plant as required by the Specific Plan to immediately service any County permitted tracts, and/or to upgrade the existing Valencia Water Treatment Plant with an RO system that would be capable of handling the existing and increased pollutant loads.

4. The Need to Minimize Impacts Associated with Storm Water: Low Impact Development, Hydro modification, and MS4 issues.

After all direct impacts to waters have been avoided, under the 404b1 guidelines, the applicant and responsible permitting agencies are required to next minimize the impacts to waters. Furthermore, the agencies responsible cannot permit a project that would either cause or contribute to a water quality violation, and/or cause a significant degradation of waters of the U.S.

Moreover, permits that result in storm water discharges must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize best available technology economically achievable (BAT) for toxic pollutants and non-conventional pollutants and best conventional pollutant control technology (BCT) for conventional pollutants. Additionally, these provisions require controls of pollutant discharges to reduce pollutants and any more stringent controls necessary to meet water quality standards. These statutes and provisions, in combination with the cumulative control and responsibility under the Clean Water Act applying to the entire project footprint, gives the Water Board the authority to implement our recommendations.

There are a plethora of studies available that have demonstrated both the effectiveness and the economic feasibility (and often times cost savings) of using the source control Low Impact Development (LID) BMP techniques we have outlined below that will help minimize impacts to waters on Newhall Ranch.

Recommendations:

- That there be a prohibition on dry weather discharges;That wet weather discharges contain enforceable numeric effluent limits;
- That full on-site retention/evapotranspiration/infiltration be required;
- That the use of green streets for all residential and commercial roads be required. Green streets contain a notched curb and gutter that collect all runoff into bioswales that line the streets which allow for full infiltration/evapotranspiriation;

- That the use of permeable pavement for all driveways, residential roads and school, public and commercial parking lots be required;
- That the installation and use of cisterns on every building structure be required;
- That all on-single family homes, the use of green roofs, permeable pavement, water cisterns, to collect stormwater runoff on-site be required;
- That all structures have no more than 3% EIA; and
- That the ultimate post-development hydrograph mimic the natural hydrograph and that the erosion potential of the streams on-site and in the Santa Clara River does not exceed one.
- Sediment management plans must include specific sites where sediment would be trucked and dumped to in the Santa Clara River because without this information the Water Board has no way to assess how the project would impact the Santa Clara River. Furthermore, we find it likely that some of the pollutants from the storm water that is directed to these detention basins, will be adhered to the sediments and therefore it is unlikely that they would be clean enough to truck and dump into the Santa Clara River. Therefore, we recommended prohibiting the placement of sediment, taken from the basins, in area(s) that could enter the river and/or beaches.
- Further, as described in the appendix, the use of bio-filtration and storm water inserts are not acceptable methods for treating storm water and should be prohibited.

5. Compensatory Mitigation:

As detailed below, there is enough evidence to conclude that the compensatory mitigation proposed for Newhall Ranch would fail to compensate for the functions and values lost from the permanent impacts proposed on-site.

Failure of Wetlands Mitigation

This permit proposes restoration and creation of offsite wetlands in order to mitigate for the loss of wetlands in the Newhall Ranch area. We object to this proposal, since recent studies have shown that wetlands mitigation is not working. A recent report by Richard Ambrose (Ambrose, et.al., UCLA, August, 2006, attached) studied 129 wetlands mitigation projects and found that "despite relatively high permit compliance, the vast majority of mitigation sites were not optimally functioning wetlands…In comparison to reference sites, only 19% of the mitigation files were classified as optimal, with just over half sub-optimal and approximately one-quarter marginal to poor." (Reference 1, page iii).

Given the high reliance placed on wetlands mitigation to offset project impacts, we must conclude that wetlands loss, in general, is not being adequately mitigated. Thus, we urge that a thorough review of project mitigation be carried out along with the establishment of sufficiently high mitigation ratios and adequate monitoring to ensure there is no net loss of wetlands in the project area.

Further, offsite mitigation sites would not support existing onsite wildlife and migration corridors.

A. Mitigation Credit for Filling in Stream Channels

i. The mitigation plan:

Newhall's Final Mitigation and Monitoring Plan states, "The restoration strategies for the Long Canyon drainage channel include (l) complete fill of the stream channel, (2) reconstruction of the stream channel on compacted soil fill, (3) incorporation of stream channel stabilization, and 4) newly created stream channel." This plan lacks detailed site-specific mitigation plans and performance standards for each of the individual mitigation projects. Moreover, it fails to show how the mitigation proposed at Long Canyon will compensate for lost ecological functions. Newhall's Final Mitigation and Monitoring Plan fails to meet federal minimum requirements.

ii. EPA's positions: EPA's wetland scientists had commented (in letters dated 8/24/09 and 8/6/10) that EPA does not support the USACE decision to provide "mitigation credit" for burying natural steams and replacing them with engineered drainages that would be straightened, bound by levees on both sides, intersected by mini-dams at short intervals, and reconstructed on top of up to 30 feet of compacted fill material above the original stream bed. EPA's earlier letters noted that there is no evidence to suggest that these engineered channels will replace the functions provided by natural streams. Moreover, in EPA's letter they cited the Ohio Valley Environmental Coalition v. USACE, 479 F. Supp. 2d 607, 65 ERC 1234 (S.D.W.V. 2007) that held the Corps was arbitrary and capricious to conclude that the mitigation plan --that would replace filled stream with artificial streams-- called for a finding of no adverse impacts where they had no science or prior experience to support the conclusion that artificial streams constructed out of abandoned sediment ditches would replace the functions and values of the headwaters systems being destroyed.

iii. Precedent and Undermining of the Law:

Allowing 1:1 mitigation credit for reconstructed flood control facilities means that the federal government confidently believes that the functions and values provided by natures streams can be replaced by burying streams under as much as 30 feet of compacted fill material. As noted above, there is absolutely no evidence to support reaching such a conclusion. Allowing this mitigation credit incentivizes filling in natural streams and greatly undermines the intent and letter of the Clean Water Act's goal of impact avoidance.

> **Recommendation:** The 23.4 acres of mitigation credit for the reconstructed drainage should be eliminated from Newhall's mitigation plan.

B. Need for Buffers:

There is a plethora of research available that indicate wide riparian buffer strips (this includes floodplain preservation) are critically important in protecting water quality. The USACE's technical memorandum on buffers suggests maintaining a 100-meter buffer strip on each side of streams in order to protect water quality.

Traditional structural water quality BMPs (like the detention basins proposed for use on Newhall Ranch) do not adequately protect receiving waters from accelerated channel bed and bank erosion, do not address post development increases in runoff volume, and do not mitigate the decline in benethic macroinvertebrate communities in the receiving waters. This indicates that structural BMPs are not as effective in protecting aquatic communities as are continuous riparian buffers of native vegetation. This is supported by the findings of Zucker

and White, where in-stream biological metrics were correlated with the extent of forested buffers.

Recommendation: Require 100-meter buffer strips on both sides of all streams, starting from each of the Ordinary High Water Marks as recommended in the USACE's paper on buffer strips.

C. Floodplain Mitigation:

The EPA negotiated what was thought to be mitigation for impacts to the floodplain--see EPA letter dated July 2011. However, the way the mitigation agreement is worded actually allows the "mitigation site" in Ventura County to be developed. Moreover, the majority of it is located in the floodway. Preservation of this area is pointless as development in floodways is prohibited.

Recommendations: A) Avoid--not compensate--floodplain impacts; B) For any mitigation site that is acquired, do not allow mitigation in a floodway; C) Word the mitigation conditions in a manner that does not allow for development, or mineral/gas exploration/extraction and instead preserves the site in perpetuity.

The on-site river floodplain area would have most likely gone back to full function with no further assistance.

Recommendation: Do not allow mitigation credit for this area.

III. Permit Process:

1. LA and/or Ventura MS4 permits Are Not Appropriate for Newhall Ranch:

As noted below, and in the Ventura MS4 permit's findings, the LA MS4 permit is deficient at regulating storm water and is thus not a proper tool to control proposed storm water discharges that would occur from Newhall Ranch. Furthermore, we understand that the updated LA MS4 permit will likely be weaker than-not stricter than-- the Ventura MS4 permit. Lastly, the Ventura MS4 permit was not designed to deal with regulating large scale greenfield developments like Newhall Ranch and there are several off-ramps contained in the Ventura MS4 permit which Newhall should not be allowed to use.

Recommendation: Require an individual 402 permit for Newhall Ranch to properly regulate storm water runoff that would include all the requirements outlined in our aforementioned minimization recommendations--and to prohibit Newhall Ranch from regulation under either a current or future LA and/or Ventura MS4 permit.

2. The Use of the State General Construction Permit Is Not Appropriate for Newhall Ranch

During our last meeting, a question arose as to the ability of a construction permit to apply to post-development construction BMPs. Construction permits can and should require post-development BMPs such as LIDs. On page 37-45 of the current State General Construction Permit, it details the impacts that typically occur to receiving waters from the change in hydrological processes on development sites. The permit requires that developers replicate pre-project run-off water balance with the use of storm water reuse, interception, evapotranspiration and infiltration non-structural controls and conservation design measures (e.g., downspouts disconnection, soil quality preservation/enhancement, interceptor trees).

Construction permits are not just for regulating the direct grading activities, in-fact the State General Construction Permit does an excellent job of describing why post development requirements (such as the LIDs in our aforementioned recommendations) are, and should be required in construction permits.

While the State General Construction permit does provide room for post development controls such as LIDs, it is deficient in its ability to regulate large-scale multi-phase projects such as Newhall. The National Academy of Sciences NRC Report to EPA specifically cited Newhall Ranch as an example of how deficient the current State General Construction permitting system is for regulating the pollution from large projects that have a high likelihood to contribute significant storm water pollution. The report goes on to recommend that large projects, multiphase projects like this, be regulated by an individual 402 NPDES permit.

Recommendation: Post development requirements-- such as green streets, cisterns, permeable pavement, green roofs, etc. as detailed in the aforementioned minimization recommendation—be required in an individual construction permit for Newhall, and that Newhall not be authorized under the State General Construction Permit.

3. Enforceability

It is imperative that anything Newhall commits to, and/or that the Water Board requires of Newhall, be clearly stated as requirements in a 402 permit which are enforceable by third parties.

It is our understanding that the LA Water Board has never taken out a formal enforcement action regarding violations of the LA MS4 permit. Furthermore it is our understanding that the LA Regional Water Quality control board had sent out approximately 14 letters of violation regarding non-compliance with the LA MS4 permit but that these violations only happened to be discovered during random compliance checks with the State General Construction Permit and that there was never any formal follow-up with MS4 alleged violators. This fact set does not give us a great deal of confidence that Newhall's proposed storm water discharges would be sufficiently regulated under the existing or future LA MS4 permit. MS4 permits are not directly enforceable by a member of the public. We find it imperative that Newhall Ranch be required to obtain an individual 402 permit because these –unlike the MS4 permits—are enforceable by the public/third parties. Moreover, an individual 402 permit gives the public the opportunity to participate in a public process.

Recommendations:

- That all permitting regarding Newhall Ranch be made a public process, especially the five year review periods required by this permit;
- That all requirements and commitments be made enforceable by third parties (citizens) by including them in an individual 402 permit; and
- That Newhall Ranch be required to obtain an individual 402 NPDES permit in place of the State General Construction permit, the 401 certification and the MS4.

4. Tiered Permitting:

The entire project must be evaluated upfront as one single and complete project. It is not appropriate to allow a piece-mealed analysis of project impacts. While we are in support of analyzing all the impacts from the proposed project upfront, we are requesting that the permits be authorized in phases. This is due to the fact that the project is extremely large, and would take place over several decades. A great deal could change over this time period, and so to allow the Water Board the greatest amount of flexibility in adaptive management of

regulating these activities in the mission of protecting water quality, we suggest a tiered approach be used. The USACE and Water Board have done this before (please refer to the River Islands project--near the city of Lathrop in the Sacramento Delta).

Recommendation: We recommend that the Water Board require all impacts from the entire project be evaluated upfront, that the water board independently review all data and modeling input, processes, and results for accuracy before any permit is issued and that no piece-mealing is allowed in the analysis.

- We also recommend a tiered permitting approach, like the one used on River Islands, be used for this project.

Conclusion

The above correspondence details serious problems and concerns that remain unaddressed by this WDR. Therefore, we urge the Board not to issue this permit until the recommendations and other issues in this letter have been addressed.

We thank the Board and your staff for your time and consideration of this important matter.

Respectfully submitted on behalf of:

The Center for Biological Diversity
Friends of the Santa Clara River
Santa Clarita Organization for Planning and the Environment (SCOPE)
Sierra Club

CC: Steven John, United States Environmental Protection Agency

Appendix:

End Notes

Storm Water References

Attachments

End Notes:

[i] Fowler, D., and J. Monday. 2009. Floodplain Management: More than Flood Loss Reduction. *National*

Wetlands Newsletter, 31(4):6-8.

[ii] Measurable benefits include: wetland creation, recharging ground water supplies, maintenance of the hydrograph, buffering downstream flooding, soil fertility. rejuvenation of spawning ground, transportation of large organic/woody material that provides food and habitat, erosion control, sediment transport, bank stability, promotion of plant establishment, and the evolution of meandering channels and heterogeneity within the floodway (ibid).

[iii] Stillwater Sciences. 2011.

[iv] page 118 http://www.sfei.org/projects/VenturaHE

[v] The benefits natural floodplains provide to our community are vast, and become even more critical in the future to offset the impacts of upstream urbanization. Population has significantly grown, and is predicted to continue to grown, upstream of Newhall Ranch[v]. Section 6.0 from the FEIS (Cumulative Impacts) describes an additional 48,462 residential housing units within the Santa Clarita and Los Angeles County that are in various stages of development (pending, approved, near build-out etc…). The large majority of these will be in the Eastern Sub-basin of the Upper Santa Clara Watershed, less than 10 miles upstream of Newhall Ranch. According to the 2008 Dudek Santa Clara Watershed Study, nearly 45% (131,000 acres) of the Eastern Sub-basin would allow development and 30% of this area is already occupied by projects that have either been planned or approved by the City of Santa Clarita and Los Angeles County. Thus, combined with adjacent Acton sub-basin, nearly 60 square miles of development is either planned or approved to occur directly upstream of Newhall Ranch.

[vi] Urbanization can cause hydrological changes throughout the watershed: higher peak flows, more rapidly experienced peak flows due to the increasing area of impermeable surface that accompanies population growth and urban expansion. Most of this growth is concentrated in the Upper Santa Clara River watershed, the effects of future urbanization are likely to be transmitted further downstream to the lower portions of the watershed in Ventura County.

[vii] The benefits natural floodplains provide to our community are significant, and will become even more critical to offset the impacts of upstream urbanization. Population has significantly grown, and is predicted to continue to grown, upstream of Newhall Ranch[vii]. Section 6.0 from the FEIS (Cumulative Impacts) describes an additional 48,462 residential housing units within the Santa Clarita and Los Angeles County that are in various stages of development (pending, approved, near build-out etc…). The large majority of these will be in the Eastern Sub-basin of the Upper Santa Clara Watershed, less than 10 miles upstream of Newhall Ranch. According to the 2008 Dudek Santa Clara Watershed Study, nearly 45% (131,000 acres) of the Eastern Sub-basin would allow development and 30% of this area is already occupied by projects that have either been planned or approved by the City of Santa Clarita and Los Angeles County. Thus, combined with adjacent Acton sub-basin, nearly 60 square miles of development is either planned or approved to occur directly upstream of Newhall Ranch.

[viii] 2009 California Climate Adaptation Strategy: A Report to the Governor of the State of California in Response to Executive Order S-13-2008. P.51. http://www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009-027-F.PDF

[ix] Strauss, Gary and Marisol Bello, "Mississippi Flood Losses Could Reach Billions." USA Today on the Web. 12 May 2011. http://www.usatoday.com/money/economy/2011-05-10-flood-impact_n.htm

[x] This May, residents from a master-planned community known as "Dakota Dunes," located at the confluence of the Big Sioux and Missouri Rivers in South Dakota, were forced to evacuate from their homes as flood waters inundated the housing development. Like the proposed Landmark Village, Dakota Dunes was surrounded by levees and built on top fill material within the floodplain.

[xi] The CCC in partnership with The Nature Conservancy has created the Santa Clara River Parkway Project, to reverse historical impacts in the lower Santa Clara River. The primary strategy of this publicly-funded effort is to buy the floodplain starting at estuary and continuing upstream to the LA/Ventura

County line. Their goals are to: restoration of the historical extent of riparian habitat, flood management through reconnecting the river to its natural floodplain, and a continuous recreational trail. Thus far, $21 million of state taxpayer funds (from the CCC), have been matched with $8 million (from state and federal agencies) to pay for the more than 3,060 acres and 15 miles of floodplain within the lower Santa Clara River.

[xii] The CCC wrote a comment letter in response to the Corps' FEIS for Newhall. They were concerned about the potential for downstream effects related to hydro modification and water quality from the project. To mitigate for the effects on Parkway lands, the Conservancy recommended, "additional compensatory mitigation lands be dedicated or conservation easements be acquired within the 500-year floodplain of the Santa Clara River downstream of the Project and permanently managed for public conservation purposes," as this would ensure that the costs of "unmitigated Project impacts are not borne by downstream landowners (both public and private) and the taxpayers of Ventura County."

Ventura County Watershed Protection District found errors with Newhall's technical reports the respective findings in the Surface Water Hydrology and Flood Control Section of the FEIS. They stated the project "may increase the flow in the Santa Clara River, which would ultimately increase the flow through the County of Ventura downstream…[and]...could adversely impact downstream properties and flood control facilities and maintenance operations in Ventura County."

[xiii] Conservation Law Foundation v. Federal Highway Administration (24 F. #d 1465, 1st Cir. 1994); Greater Yellowstone Coalition v. Flowers (359 F. 3d 1257 (10 Cir. 2001) ; and Fund for Animals Inc. V. Rice 85 F.#d 535, 543-44 (11th Cir. 1996),

[xiv] "nesting areas, protective cover, adequate and reliable food supply, and resting areas for migratory species" may be elements of the "aquatic habitat" that are "particularly crucial to the continued survival of some threatened and endangered species." *Greater Yellowstone II*, 359 F.3d at 1273 at 1273 n.15 (citing 40 C.F.R. § 230.30(b)(2))

Storm Water References:

Part 1.

Guidance Manual - Los Angeles County-wide Structural BMP
Prioritization Methodology, 2006

Submitted by:

County of Los Angeles – Department of Public Works
Heal the Bay
City of Los Angeles – Bureau of Sanitation
SWRCB Agreement Number: 03-203-554-0

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APPENDIX C - Basis for Relative BMP Effectiveness Scores

Catch Basin Inserts

As with media filters, there are a variety of different types of catch basin inserts available on the market. These inserts typically screen bulk pollutants and provide some filtration of fine particulates and oil and grease. Despite their widespread use, there are limited data on their performance. However, due to the limited contact time of stormwater with the filtration media within these inserts, they are assumed to only provide limited treatment for all pollutant except for bulk solids, such as trash and debris.

Part 2.
The San Francisco Bay Regional Water Quality Control Board (SFRWQCB) incorporated updated requirements into Alameda County's National Pollution Discharge Elimination System (NPDES) Permit in February 2003.

In Alameda County, each of the 14 cities, the Unincorporated Area and the 2 flood control districts all share one NPDES Permit. This is done through a consortium of the 17 agencies called the Alameda Countywide Clean Water Program (ACCWP).

Stormwater Quality Control Requirements - What Developers, Builders, and Project Proponents Need to Know

What are unacceptable treatment systems?
a. Inlet filters alone are not considered adequate treatment by the San Francisco Bay Water Quality Control Board.
b. Oil/water separator "vault" systems alone are not considered adequate treatment by the State Water Quality Control Board.

c. Manufactured systems are disallowed as treatment measures for most residential developments by unincorporated Alameda County due to maintenance frequency, targeted pollutants and proprietary parts.
See attached letter from the SF RWQCB dated August 5, 2004, to BASMAA.

Attachments:
1. Regional Water Quality Board Letters on the Newhall Ranch Project.
2. Photo of 1983 flooding
3. EPA letters, Sept. 17, 2009, August 11, 2011
4. Sanitation District NOP for treatment of chloride and plant expansion
5. County of Los Angeles final approval, findings and conditions, Feb.21, 2012
6. Stillwater Sciences, Santa Clara River, 2011
7. One Valley, One Vision Santa Clarita Area General Plan Pdate, Chapter 3
8. Ambrose, R. F. et. al. An Evaluation of Compensatory Mitigation Projects Permitted Under the Clean Water Act Section 401 by the Los Angeles Regional Quality Control Board, 1991-2002. Department of Environmental Health Sciences, University of California, Los Angeles, December 2004.