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Los Angeles Regional Water Quality Control Board

June 12, 2013

Samuel Rojas  
Manager, Environmental Resources  
The Newhall Land and Farming Company  
25124 Springfield Court, Suite 300  
Valencia, CA 91355-1088

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 7011 2970 0000 0645 4868

Dear Mr. Rojas

ANNUAL REPORT OUTLINE AND PLAN FOR HAZARD ANALYSIS AND CRITICAL CONTROL POINTS FOR THE PREVENTION AND CONTROL OF AQUATIC NUSANCE SPECIES REQUIRED BY THE WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE NEWHALL LAND AND FARMING COMPANY RESOURCE MANAGEMENT AND DEVELOPMENT PLAN (File No. 11-168; US Army Corps of Engineers Permit No. 2003-01264-AOA).

The Los Angeles Regional Water Quality Control Board (Regional Board) is in receipt of letters from the Newhall Land and Farming Company (Newhall Land) dated November 26, 2012 submitting an Annual Report Outline and a Plan for Hazard Analysis and Critical Control Points for the Prevention and Control of Aquatic Nuisance Species (HACCP).

The Annual Report Outline is hereby approved. The Regional Board requests that the Annual Report also be sent in an electronic format and that numeric data be also provided in spreadsheet format for ease of review. California Rapid Assessment Method for wetlands (CRAM) assessments should be entered into the CRAM website, <http://www.cramwetlands.org>. Receiving water quality data and benthic macroinvertebrate data should be submitted to the California Environmental Data Exchange Network (CEDEN), <http://www.ceden.org>, through the Southern California Regional Data Center.

After review, staff has found the HACCP to be inadequate. The HACCP will also need to address additional species and will require greater clarity on who will take what specific actions and when. Additional species should include Arundo (*Arundo donax*), Tamarisk (*Tamarix* species), bullfrog (*Rana catesbeiana*), African clawed frog (*Xenopus laevis*), and crayfish (*Cambarus clarkii*) which are known to exist in the project area or nearby. For each Critical Control Point (CCP), there should be a critical limit and specific actions identified. A table showing the CCPs, the required actions, and the responsible party may be useful.

Specific Comments on the HACCP

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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1. As this is an action plan (as opposed to a general planning document), most instances of use of the words "could" or "would" should be "will" to offer the reasonable assurance that the appropriate steps will be taken. "Could" and "Would" are often used to talk about hypotheticals.

Examples:

Page 7. *At this point, Heavy Equipment and Pumps could be thoroughly cleaned at a construction yard, remote from any natural environs.* An alternative: "At this point, Heavy Equipment and Pumps will be thoroughly cleaned at a construction yard, remote from any natural environs."

Page 7. *Contractor Construction Specifications and Consultant's Scope of Work can easily incorporate BIO-52, and other related permit conditions, to enact this initial point of control.* An alternative: "Newhall Land will incorporate BIO-52 and other related permit conditions into Contractor Construction Specifications and Consultant's Scopes of Work, to enact this initial point of control."

Page 10: *Newhall Land would implement containment methods determined appropriate for the environment in consultation with Fish and Game, US Fish and Wildlife Service and LA Regional Water Quality Control Board.* An alternative: "Newhall Land will implement containment methods determined appropriate for the environment in consultation with Fish and Game..."

Page 9: *If NZMS is determined to have been present on equipment that accessed a wet environ, this is the point where containment, agency notification, monitoring and other additional response actions would be necessary.* An alternative: "If NZMS is determined to have been present on equipment that accessed a wet environ, Newhall Land will notify the Department of Fish and Wildlife and the Regional Board [other agencies?]." Or, "Newhall Land or its consultant will undertake monitoring and containment, if possible and other additional response actions, if appropriate. "

2. When necessary actions are identified, it should be clear **who** will take the action and **when**.

Examples:

Page 8: *All equipment will be subject to inspection, including monitoring personnel (i.e., waders and sampling equipment) and construction personnel vehicles.* Who will conduct the inspection?

Page 8: *Additional inspections with Fish and Game are required of the dewatering system prior to discharge to the river, which represents another opportunity for inspection and documentation of the absence of NZMS.* Who will invite Fish and Game to conduct the inspections? Will this be a requirement of Newhall Contractors or consultants?

Page 9 *Monitor(s) will be instructed in this control plan and trained to visually inspect Heavy Equipment and Pumping equipment, such as pumps, tanks, fittings and pipelines.* Alternatively: "The Newhall Land, Environmental Resources Division will instruct biological

monitors..." Or, "All Contractors or consultants will be required by Newhall Land to instruct biological monitors in ... Contractors and Consultants will provide documentation to Newhall Land of instruction of biological monitors by..."

Page 9 *As a component of daily construction monitoring and recordkeeping, on site equipment inventory, results of new equipment inspections, inspections of perimeter fencing and other project site conditions are documented. Who will document the inspections?*

Page 9 *Keeping a correct inventory of equipment used on the site and whether that equipment leaves the site and comes back without re-verification is critical to using "Cleared for Project Entry" recordkeeping as the primary control. Who keeps the inventory?*

Page 9 *Routine review of the implementation of the control plan will inform future corrective actions. Alternatively: "Newhall Land will routinely review the implementation of the control plan to inform future corrective actions."*

### 3. CCP1 needs to be explained in more detail.

The entire text of CCP1 reads: *CCP1 represents the transport Heavy Equipment, Pumps, or "Wet Gear" from a project with NZMS (such as a biologist using waders to monitor in Trabuco Creek). As travel is likely along highways and roads, spreading of NZMS is remote. This stage of the life cycle is also entirely out of Newhall Land Project Site influence or control. (Page 6)*

Does this mean that the travel along roads, itself, will kill NZMS? Or, that traveling between one point of the road to another will not transport NZMS? What "stage of the life cycle" is referred to, adult, juvenile, neonate?

4. Task 8 of the Newhall HACCP which purports to establish critical limits, does not set any values explicitly. The third principle in a standard HACCP plan is: **A critical limit is the maximum or minimum value to which a physical, biological, or chemical hazard must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level.** Therefore, Task 8 should include a specific standard of the inspection. For example, "Equipment will be free of visible mud and water."

### 5. Additional Questions.

Under Task 6 Identify/Analyze Hazards (page 5) *Threats from the RMDP are limited to construction activities that actually occur in wet environs with an actual pathway for discharge to the Santa Clara River. Storm water runoff can become a* The sentence trails off.

Under CCP3 on Page 7: *Construction personnel vehicles will also be inspected for mud on a routine basis as an additional precautionary measure (weekend trail enthusiasts). Who will inspect? Who or what does weekend trail enthusiast refer to? Does this mean "The personal vehicles of construction personnel (who may be weekend trail enthusiasts) will be inspected [by the biological monitor? by the construction manager?] for mud as an additional precautionary measure."*

Under CCP3 on Page 7: *Monitoring personnel "Wet Gear" inspection is performed by the respective consultant as such personnel are trained specifically for awareness and control of NZMS, and may not access the river during hours of general construction (alternative access points, and night/ evening/early morning work hours by biological surveys and water quality monitors). Who may not access the river?*

If you have any questions regarding this matter please contact either LB Nye at (213) 576-6785 or Inye@waterboards.ca.gov or Valerie Carrillo Zara at (213) 576-6759 or vcarrillo@waterboards.ca.gov.

Sincerely,



*Chief Deputy S.O.*

Sam Unger, P.E.  
Executive Officer

cc: Aaron Allen, US Army Corps of Engineers  
Dennis Bedford, California Department of Fish and Game  
Jane Diamond, US Environmental Protection Agency