SANTA CLARITA VALLEY SANITATION DISTRICT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR BRINE CONCENTRATION AND LIMITED TRUCKING

FINAL



SANITATION DISTRICTS OF LOS ANGELES COUNTY

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SANTA CLARITA VALLEY SANITATION DISTRICT
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EXECUTIVE SUMMARY

OVERVIEW

On October 28, 2013, the Santa Clarita Valley Sanitation District (SCVSD) Board of Directors approved a chloride compliance project and certified the associated Environmental Impact Report (Certified EIR) [1]. Under the approved chloride compliance project, advanced treatment facilities will be added at the Valencia Water Reclamation Plant (VWRP) to reduce chloride levels in the Santa Clarita Valley's treated wastewater (sewage) and comply with the State-mandated chloride limit for the Santa Clara River. Brine, a salty water byproduct from advanced treatment, was originally to be managed by deep well injection. The SCVSD now proposes to modify one component of the approved compliance project—the approach to brine management. The proposed project modification is to replace deep well injection with the addition of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine to an existing industrial facility. The SCVSD has prepared this Supplemental Environmental Impact Report (SEIR) to provide the public, responsible and trustee agencies and SCVSD decision-makers with information about any potential adverse effects on the environment associated with the construction and operation of chloride compliance project as modified by the proposed project modification (modified compliance project). This SEIR has been prepared pursuant to the California Environmental Quality Act (CEQA). The modified compliance project would not result in any significant environmental impacts and no new mitigation measures are required relative to those identified in the Certified EIR. In 2014, the SCVSD Board of Directors adopted rates through June 2020 to pay for the approved compliance project. The construction cost of the modified compliance project is similar to the originally approved project; however, the modified project would have higher annual operating costs. As such, the already approved customer service charge rates are expected to be sufficient to construct and start the modified compliance project. The timing and size of rate increases beyond 2020 depends on a variety of circumstances including inflation and the ability to obtain more grant funding.

BACKGROUND

Under the Federal Clean Water Act and the State's Porter Cologne Act, the California Regional Water Quality Control Board-Los Angeles Region (Regional Water Board), a state agency, is responsible for regulating discharges to the Santa Clara River to protect beneficial uses of the river's water. In fulfilling this responsibility, the Regional Water Board adopted a regulatory order called the Upper Santa Clara River Chloride Total Maximum Daily Load (Chloride TMDL) in 2002 that imposes a strict limit on the level of chloride (salt) in the treated wastewater discharged by the SCVSD's two treatment plants, the VWRP and Saugus Water Reclamation Plant.

[1] The adequacy of the EIR certified in 2013 was legally challenged. Just before this document was set to print, the Superior Court of Los Angeles County clarified its ruling on this challenge stating that the 2013 EIR must be decertified and that the project approval must be set aside. Due to the timing of this clarification, the terms "Certified EIR" and "approved compliance project" are modified throughout the document by this description.

The SCVSD spent more than ten years attempting to achieve the most reasonable chloride limit possible and seeking the least costly solution to meeting the State-mandated chloride limit. The SCVSD's two wastewater treatment plants are not designed to remove chloride. To meet the State-mandated limit and avoid regulatory penalties including State fines that Santa Clarita Valley property owners would have to pay, additional treatment equipment must be designed, constructed and fully operational by the State's strict deadline of July 2019. The SCVSD Chloride Compliance Facilities Plan and Environmental Impact Report (Facilities Plan and EIR) document the technical studies completed to identify the most cost-effective and environmentally-sound methods of meeting the chloride limit. On October 28, 2013, after extensive public input, meetings, hearings, and environmental review, the SCVSD Board of Directors approved the highest-ranked, feasible alternative from the Facilities Plan and certified that the associated EIR was completed in accordance with the CEQA.

Under the approved chloride compliance project, the existing chlorine-based disinfection systems at the VWRP and Saugus Water Reclamation Plant will be replaced with ultraviolet light (UV) disinfection facilities and a portion of the VWRP effluent will receive advanced treatment using microfiltration and reverse osmosis (MF/RO) to reduce chloride levels in the Santa Clarita Valley's treated wastewater and comply with the State-mandated chloride limit for the Santa Clara River. The water that passes through the reverse osmosis membrane is ultra-clean water and the remaining water and salts (including chloride) form a salty water byproduct called brine that requires proper disposal.

Brine was originally to be disposed by deep well injection. Based on public input regarding deep well injection, the SCVSD Board of Directors withdrew the deep well injection proposal and directed staff to investigate alternative deep well sites and additional brine management alternatives. These alternatives include newer technologies such as enhanced brine concentration that reduce the volume of brine requiring disposal and can be located at the VWRP.

Staff reconsidered the alternatives examined in the previously approved Facilities Plan. At this time, neither deep well injection nor a brine pipeline alternative can be implemented by the State's regulatory deadline. Brine concentration with disposal by trucking is the only alternative that can be implemented within the State's deadline. In the Facilities Plan and EIR, the brine trucking alternative was lowest ranked because of the costs and environmental impacts associated with high number of truckloads per day required for disposal under that alternative. Since the Facilities Plan and EIR were completed in 2013, enhanced brine concentration technology has been implemented in similar applications and has proven to be effective. This technology could be located at the VWRP and would allow for a 90 percent reduction in the required number of trucks per day, which would greatly reduce environmental impacts. Enhanced brine concentration facilities could also provide environmental benefits by maximizing the amount of recycled water available for use in the Santa Clarita Valley.

PROJECT OBJECTIVES

The goal of this SEIR is similar to that of the Facilities Plan—to identify a plan for brine management that meets the project objectives in a cost-effective and environmentally-sound manner. The revised objectives of the chloride compliance project are to:

- Provide compliance with the State-mandated Chloride TMDL for SCVSD wastewater treatment and discharge facilities by the State's deadlines

- Utilize an existing industrial facility for brine disposal
- Provide a wastewater treatment and effluent management program that accommodates recycled water reuse opportunities in the Santa Clarita Valley while protecting beneficial uses of the Santa Clara River

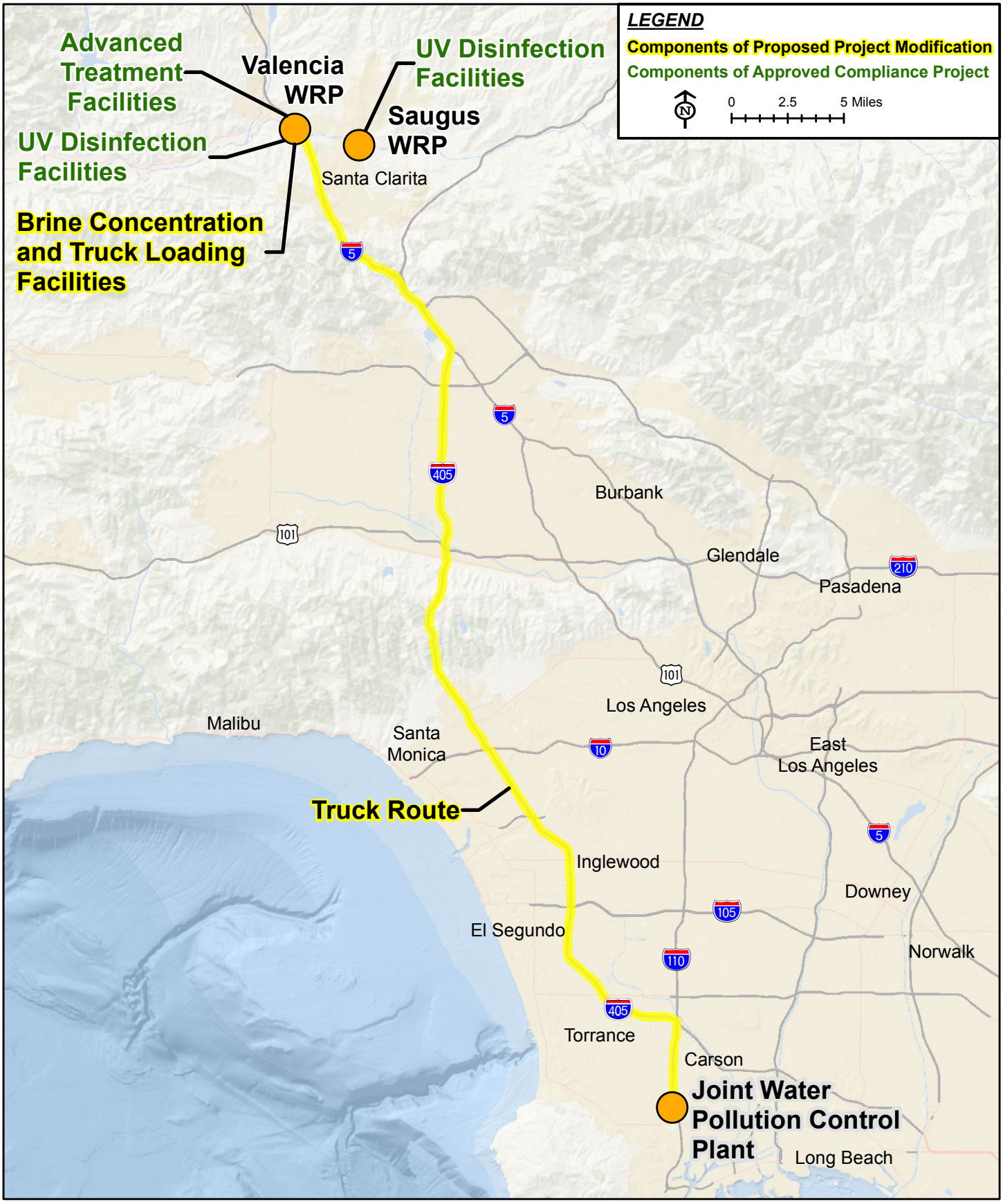
The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

PROJECT DESCRIPTION

The proposed modification to the approved chloride compliance project is to replace brine management by deep well injection with the addition of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine (an average of 6 truckloads per day, 10 maximum) to an existing industrial facility as shown on Figure ES-1. As described above, the water reuse project component in the Certified EIR is no longer part of the currently proposed project.

The SCVSD would truck during off-peak hours to avoid morning and evening rush hours. The enhanced brine concentration process would include an enhanced membrane system consisting of extensive pretreatment facilities combined with more steps of reverse osmosis (RO) than are provided in a typical RO system. This technology would reduce the volume of brine requiring disposal and the resulting number of truckloads per day by 90 percent (i.e., 6 instead of 60 truckloads per day) compared to the trucking alternative evaluated in the Certified EIR. The brine concentration facilities would be installed within the existing footprint of the plant in an area of disturbed, but undeveloped land. Trucks would be loaded with concentrated brine at a new truck loading station located adjacent to the brine concentration equipment. The location of the proposed VWRP facilities as well as the inbound and outbound truck routes are shown on Figure ES-2.

Concentrated brine would be trucked to an existing industrial facility. The currently proposed location is the Sanitation Districts' Joint Water Pollution Control Plant (JWPCP) in Carson, which treats wastewater from much of the Los Angeles Basin (over 270 million gallons per day) and discharges to the ocean. This site is proposed for several reasons. First, the JWPCP contains authorized disposal stations for trucked wastewater that can accept the SCVSD's brine without modification. Second, the haul route from the freeway to the JWPCP is less than one-mile and does not pass any residences. The JWPCP, its disposal stations, and the inbound and outbound haul routes are shown on Figure ES-3. For more details on the basis for proposing this site, see Section 6.



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure ES-1
General Location of Compliance Project Facilities

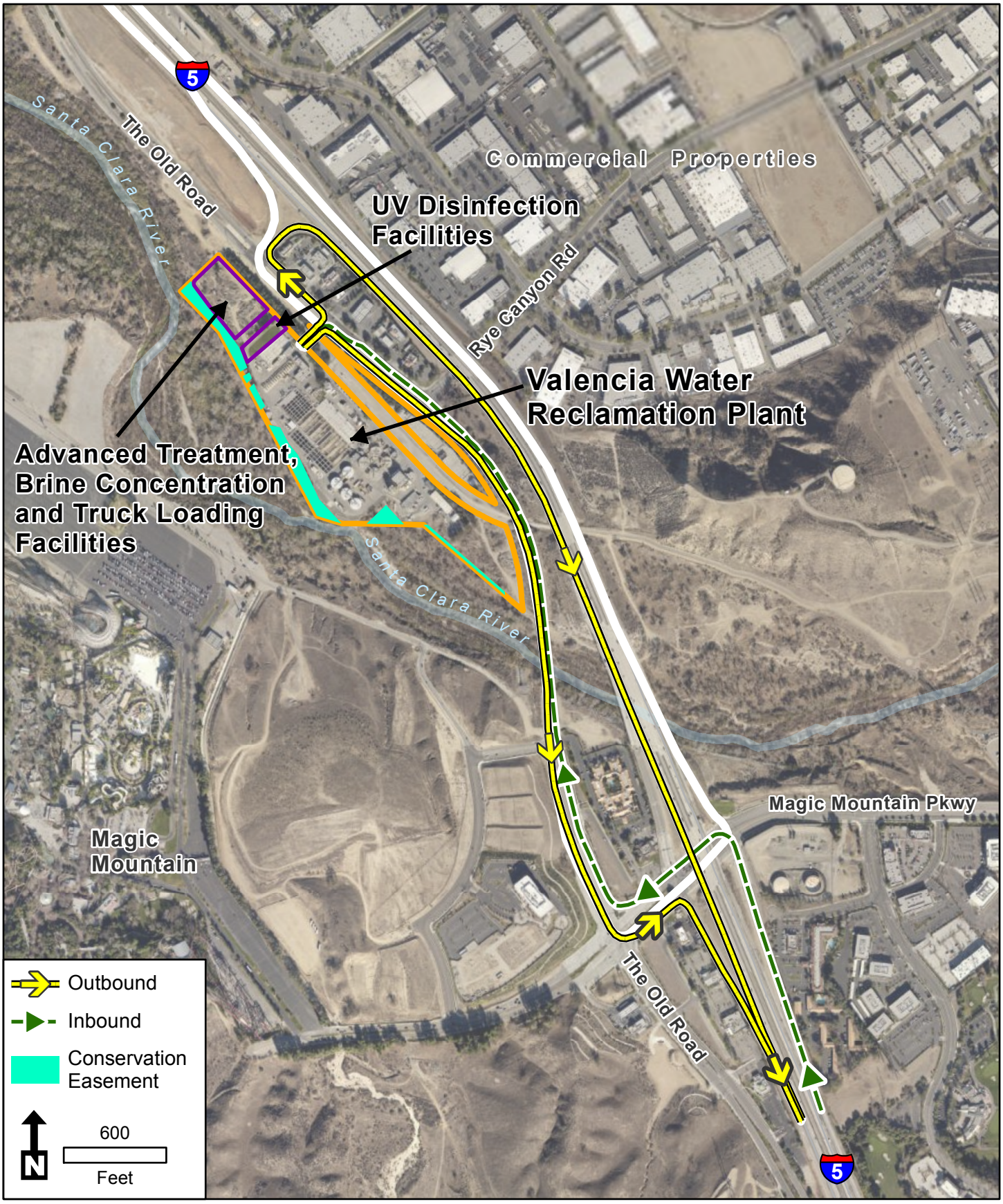


Figure ES-2
Valencia WRP and Truck Routes

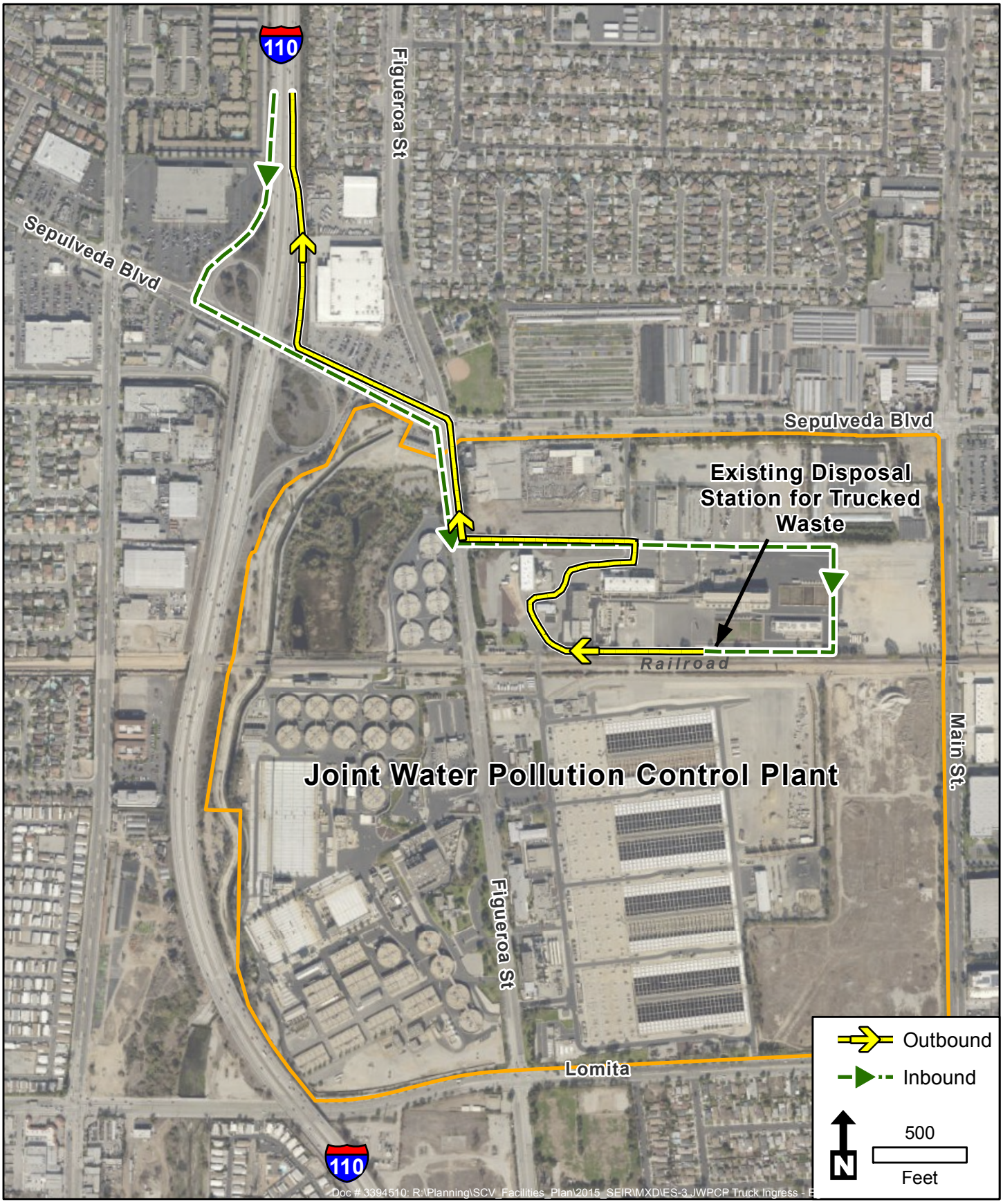


Figure ES-3
Joint Water Pollution Control Plant and Truck Routes

Potential Facilities to Generate Renewable Energy

The chloride compliance project will increase SCVSD power demands. To offset this increase, various technologies for onsite renewable power generation are evaluated in Section 6. The most promising technologies at this time are solar photovoltaic panels and facilities to generate power from the digester gas produced by the existing anaerobic solids digestion process.

Solar panels create energy from the sun and their use by homes and businesses is growing rapidly in California. There are three potential areas for solar panel installation: (1) on top of the VWRP flow equalization basin, (2) on disturbed, but undeveloped land at the south end of the VWRP; and (3) on the roofs of buildings, where feasible. Collectively, such facilities would produce about 700,000 kilowatt-hours per year (kWh/yr).

Another potential renewable energy facility involves the installation of a microturbine, reciprocating engine, or similar equipment to use all of the plant's digester gas to create power and use the resulting waste heat to create the steam required at the plant. The gas-to-energy facilities would be capable of handling 220 cubic feet per minute of digester gas and generating up to 800 kilowatts of electricity (about 6,700,000 kWh/yr). The gas-to-energy facilities would be located in the center of the plant in an area that has already been developed.

Solar and gas-to-energy facilities at the VWRP are technically feasible and would reduce the amount of power that the SCVSD needs to purchase. However, the cost of solar power would exceed the SCVSD's current cost of electricity. Future electricity cost increases, decreases in solar panel costs, or receipt of grant funding could make solar more attractive economically. Preliminary analysis of gas-to-energy facilities indicated that such an installation may be economical; however, further evaluation is needed before a recommendation can be made on whether to implement a project. To enable timely implementation of a renewable energy project, the environmental impacts of installing solar panels and a gas-to-energy microturbine at the VWRP are analyzed in this SEIR. Any necessary additional CEQA analysis for such facilities would be completed before implementation.

ANALYSIS OF ALTERNATIVES

A detailed alternatives analysis was completed and documented in Section 6 of the Facilities Plan. When staff was directed to investigate additional brine management alternatives, the SCVSD revisited its prior analyses and updated its assessment of brine minimization (concentration) technology based upon recent developments. Trucking with brine concentration was determined to be the only alternative capable of meeting the State-mandated compliance deadline (and first project objective). The superior brine concentration technology was identified and a large number of existing industrial sites were evaluated as locations for brine disposal. Ultimately, trucking to the JWPCP was determined to be the superior location.

Section 15126.6 of the CEQA Guidelines requires that an EIR evaluate a reasonable range of alternatives to the proposed project that could attain the basic objectives of the project but would avoid or reduce significant environmental effects of the project. However, because the modified compliance project would not result in any significant unavoidable impacts, there is no requirement to evaluate alternatives as a way to lessen impacts of the project. More information on the evaluation of alternatives can be found in Section 6 of this SEIR.

CEQA ENVIRONMENTAL BASELINE

To determine if there would be significant impacts, environmental conditions that would result from implementation of the proposed project modification are compared to baseline conditions. The baseline conditions are generally defined as the physical environmental conditions in the vicinity of a proposed project that exist at the time the Notice of Preparation (NOP) was published (in this instance, September 2015) (See Appendix A).

AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

In accordance with §15063 and §15082 of CEQA Guidelines, the SCVSD, as the Lead Agency, prepared an NOP for the proposed project (see Appendix A). No areas of controversy were identified during the NOP scoping period for the Draft SEIR with respect to the SEIR. However, the adequacy of the EIR certified in 2013 (Certified EIR or 2013 EIR) was challenged in court by the Affordable Clean Water Alliance (ACWA). This challenge was heard in Superior Court on Tuesday, February 23, 2016. The SCVSD prevailed on most of the disputed issues. ACWA's petition was only granted in two narrow areas.

First, the Court directed the SCVSD to conduct further environmental study on potential impacts to an endangered fish (unarmored threespine stickleback) that could result if the SCVSD were to significantly reduce its discharge of treated wastewater to the river in support of water reuse. This water reuse component of the Certified EIR is independent of the project components needed to comply with the Chloride TMDL. To avoid delays in meeting the Chloride TMDL deadline, the water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Second, the Court set aside the approval of the compliance project and the associated 2013 EIR because of the need for more stickleback analysis and because the SCVSD is pursuing a different method of brine management. The Court found no fault with any of the chloride compliance components of the project.

On March 23, the SCVSD Board will be asked to recertify the 2013 EIR without the water reuse component, certify the SEIR, and approve a modified chloride compliance project. If the Board takes these actions, the Court's ruling is not expected to affect the SCVSD's schedule for complying with the Chloride TMDL.

SUMMARY OF POTENTIAL IMPACTS

Table ES-1 presents a summary of the potential impacts and mitigation measures identified for the modified compliance project.

To avoid or minimize significant environmental impacts, the Certified EIR included mitigation measures. With the proposed project modification, some mitigation measures remain unchanged and some are no longer applicable. All applicable mitigation measures for the modified compliance project are identified in Table ES-1.

The level of significance for each impact was determined using significance criteria (thresholds) developed for each category of impacts. These criteria are presented in the appropriate portions of Section 3. Significant impacts are those adverse environmental impacts that meet or exceed the significance thresholds while less than significant impacts would not exceed the thresholds. The complete impact statements are presented in Section 3.

A significant unavoidable impact results if the impact cannot be reduced to less than significant level even after implementing all feasible mitigation measures. Under the modified compliance project, no significant unavoidable impacts would occur. The Certified EIR identified significant and unavoidable impacts to air quality during construction due to the amount of construction equipment resulting from concurrent construction of multiple project components. Construction was also expected to result in a cumulatively considerable net increase of criteria pollutants that could not be mitigated to a less than significant level. However, under the modified compliance project, the amount of concurrent construction has dropped. With implementation of Mitigation Measure AQ-1 from the Certified EIR, the modified compliance project would result in a less than significant impact to air quality.

This SEIR evaluated the potential impacts associated with the modified compliance project for Air Quality and Greenhouse Gas Emission, Energy Resources, Transportation and Traffic, cumulative impacts, and growth inducing impacts based on the results of the Initial Study contained in Appendix B of this SEIR. The remaining environmental resources areas (aesthetics, agriculture and forestry, biological resources, cultural resources, geology, hazards, hydrology and water quality, land use, mineral resources, noise, population and housing, public services, recreation, and utilities and service systems) were adequately evaluated in the Certified EIR and Initial Study and are not reevaluated in this SEIR. The impacts for these resources were determined to be less than significant without mitigation or less than significant with mitigation. Analysis of the proposed project modification did not result in any new or substantively modified mitigation measures relative to the Certified EIR.

Table ES-1. Summary of Impacts and Mitigation Measures

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
Aesthetics			
The Aesthetics analysis can be found in the Certified EIR and Initial Study			
Impact 3.1-1: The proposed project could have a substantial adverse effect on a scenic vista.	None required	None required	Less Than Significant Impact
Impact 3.1-2: The proposed project could substantially degrade the existing visual character or quality of the site and its surroundings.	None required	None required	Less Than Significant Impact
Impact 3.1-3: The proposed project could create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area.	None required	None required	Less Than Significant Impact
Air Quality and Greenhouse Gas Emissions			
The Air Quality and Greenhouse Gas Emissions analysis can be found in Section 3.1 of this SEIR			
Impact 3.2-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan.	None required	None required	Less Than Significant Impact
Impact 3.2-2: The proposed project could violate air quality standards or contribute substantially to an existing or projected air quality violation.	**Mitigation Measure AQ-1: Equipment Tier Requirements.** All construction equipment shall meet or exceed Environmental Protection Agency Tier 3 certification requirements when feasible. The contractor shall be required to document efforts to utilize Tier 3 equipment including providing justification when using Tier 3-certified or better equipment is not feasible. At a minimum, diesel-powered construction equipment that meets Tier 2 emission standards shall be used	None required	Less Than Significant Impact

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
Impact 3.2-3: The proposed project could result in a cumulatively considerable net increase of criteria pollutants for which the project region is classified as non-attainment under applicable federal or state ambient air quality standards.	**Mitigation Measure AQ-1**	None required	Less Than Significant Impact
Impact 3.2-4: The proposed project could expose sensitive receptors to substantial pollutant concentrations.	None required	None required	Less Than Significant Impact
Impact 3.2-5: The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	None required	None required	Less Than Significant Impact
Impact 3.2-6: The proposed project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	None required	None required	Less Than Significant Impact
Biological Resources			
The Biological Resources analysis can be found in the Certified EIR and Initial Study			
Impact 3.3-1: The proposed project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.	**Mitigation Measure BIO-1: Preconstruction Breeding Bird Surveys.** If construction of the advanced treatment facilities (including the brine concentration facilities and truck loading station) will occur during the bird nesting period (typically February 1 through August 31), preconstruction surveys for nesting/roosting bird species shall be conducted by a qualified biologist no more than 5 days prior to the start of construction. The preconstruction surveys shall be limited to areas of native habitat located directly adjacent to and extending up to 500 feet from the construction	None required	Less Than Significant Impact

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
	area. The preconstruction surveys shall include least Bell's vireo (conducted by qualified biologist per USFWS protocol) and species protected under the Migratory Bird Treaty Act, including raptors. Active nest sites identified during the preconstruction surveys shall be avoided and a non-disturbance buffer zone established as determined by a qualified biologist. Buffer distances shall be 150 feet for common birds, 300 feet for special-status birds, and 500 feet for raptors. The size of individual buffers may be modified based on site-specific conditions and pre-existing disturbance levels (e.g., species-specific information; ambient conditions and birds' lines of sight between the project activities and the nest and foraging areas), as determined by a qualified biologist. Documentation of any buffer zone modifications shall be maintained and submitted to the SCVSD. The buffer zone shall be delineated in the field with flagging, stakes, or construction fencing, and all clearing and grubbing activities shall remain outside the demarcated area. Nest sites shall be avoided until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area. Documentation of all surveys and recommended protective measures shall be maintained by the biologist and provided to the SCVSD on a regular basis.		

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
Impact 3.3-2: The proposed project could have a substantial adverse effect on a sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.	None required	None required	Less Than Significant Impact
Impact 3.3-3: The proposed project could interfere substantially with the movement of any wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	None required	None required	Less Than Significant Impact
Impact 3.3-4: The proposed project could conflict with local plans, policies, or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	None required	None required	Less Than Significant Impact
Cultural Resources			
The Cultural Resources analysis can be found in the Certified EIR and Initial Study			
Impact 3.4-1: The proposed project could potentially cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to §15054.5.	None required	None required	Less Than Significant Impact
Impact 3.4-2: The proposed project could potentially destroy a unique paleontological resource or site or unique geologic feature.	**Mitigation Measure CUL-8: Qualified Paleontologist.** Prior to the start of ground-disturbing activities at depths greater than 10 feet below ground surface, a qualified paleontologist, who could be a California Registered Professional Geologist with appropriate paleontological expertise, shall be retained to carry out all mitigation measures related to paleontological resources. A qualified paleontologist shall be available on an on-call basis throughout ground-disturbing activities.	None required	Less Than Significant Impact

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
	Mitigation Measure CUL-9: **Paleontological Resources Training**. Prior to the start of ground-disturbing activities at depths greater than 10 feet below ground surface, all construction forepersons and field supervisors conducting or overseeing subsurface excavations shall be trained in person by a qualified paleontologist to recognize potential fossil materials. All other construction workers shall be trained to recognize paleontological resources, but training may include a video recording of the initial training and/or the use of written materials rather than in-person training. In addition, the training shall describe procedures to follow in the event of a potential fossil discovery.		
	Mitigation Measure CUL-10: Unanticipated Discovery of Paleontological Resources. If construction or other project personnel discover any potential fossils during ground-disturbing activities, work at the discovery location shall cease and a qualified paleontologist shall be contacted to further assess the discovery and make recommendations as necessary. If treatment and salvage is required, current professional standards shall be employed. Treatment for fossil remains may include preparation and recovery of materials so that they can be housed in an appropriate museum or university collection. If, as a result of an unanticipated discovery, a qualified paleontologist determines that additional monitoring is warranted, monitoring shall follow the procedures outlined in Mitigation Measure CUL-11.		

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
	Mitigation Measure CUL-11: Paleontological Resources Monitoring. If a qualified paleontologist determines that additional monitoring is warranted due to an unanticipated discovery, then a qualified paleontologist, or a paleontological monitor working under the direction of a qualified paleontologist, shall monitor ground-disturbing activities. Paleontological monitoring shall be conducted by a qualified paleontological monitor familiar with the types of paleontological resources that could be encountered within the project area, and under the direct supervision of a qualified paleontologist. Monitoring would consist of periodically inspecting disturbed, graded, and excavated surfaces, as well as soil stockpiles and disposal sites. The duration and timing of monitoring shall be determined by a qualified paleontologist in consultation with the Santa Clarita Valley Sanitation District (SCVSD). In the event that paleontological resources are unearthed during ground-disturbing activities, a paleontological monitor shall be empowered to halt or redirect ground-disturbing activities within 25 feet of the find so that the find can be evaluated. A paleontological monitor shall keep daily logs, copies of which shall be provided to SCVSD. After monitoring has been completed, a qualified paleontologist shall prepare a monitoring report that details the results of monitoring submission to the SCVSD and to the appropriate repositories.		

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
Impact 3.4-3: The proposed project could potentially disturb human remains, including those interred outside of formal cemeteries.	None required	None required	Less Than Significant Impact
Energy Resources			
The Energy Resource analysis can be found in Section 3.2 of this SEIR			
Impact 3.2-1: The proposed project could cause a substantial increase in overall or per capita energy consumption, cause wasteful or unnecessary consumption of energy, require construction of new sources of energy supplies or additional energy infrastructure capacity, or conflict with applicable energy efficiency policies or standards.	None required	None required	Less Than Significant Impact
Geology, Soils, and Seismicity			
The Geology, Soils, and Seismicity analysis can be found in the Certified EIR and Initial Study			
Impact 3.5-2: The proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in onsite or offsite subsidence.	None required	None required	Less Than Significant Impact
Impact 3.5-3: The proposed project could expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death due to seismic related ground failure, including liquefaction, and could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed project, and potentially result in liquefaction.	None required	None required	Less Than Significant Impact

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
Impact 3.5-4: The proposed project could degrade a source of potential drinking water.	None required	None required	No Impact
Impact 3.5-5: The proposed project could adversely impact a mineral rights holder's ability to extract minerals.	None required	None required	No Impact
Hazards and Hazardous Materials			
The Hazards and Hazardous Materials analysis can be found in the Certified EIR and Initial Study			
Impact 3.6-1: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	None required	None required	Less Than Significant Impact
Impact 3.6-2: The project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	None required	None required	Less Than Significant Impact
Impact 3.6-3: Implementation of the proposed project could expose people or structures to a significant risk of loss, injury or death involving wildland fires.	None required	None required	Less Than Significant Impact
Hydrology and Water Quality			
The Hydrology and Water Quality analysis can be found in the Certified EIR and Initial Study			
Impact 3.7-1: The proposed project could violate applicable water quality standards or waste discharge requirements or otherwise substantially degrade water quality.	None required	None required	Less Than Significant Impact
Impact 3.7-2: The proposed project could alter existing drainage patterns and increase impervious	None required	None required	Less Than Significant Impact

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
surfaces at the proposed project site that could result in substantial erosion, surface runoff, flooding, or increase the existing or planned stormwater drainage systems.			
Impact 3.7-3: The proposed project could substantially deplete groundwater supplies or interfere substantially with groundwater recharge resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level.	None required	None required	Less Than Significant Impact
Land Use and Planning			
The Land Use Planning analysis can be found in the Certified EIR and Initial Study			
Impact 3.8-1: The proposed project could conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.	None required	None required	Less Than Significant Impact
Impact 3.8-2: The proposed project could conflict with any applicable habitat conservation plan or natural community conservation plan.	None required	None required	Less Than Significant Impact
Noise and Vibration			
The Noise and Vibration analysis can be found in the Certified EIR and Initial Study			
Impact 3.9-1: The proposed project could expose people to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	**NOISE-1: Noise Reduction Measures.** During construction, the contractor shall be required to implement the following measures as necessary to ensure compliance with applicable construction noise ordinances: • All construction equipment, fixed or mobile, shall be outfitted with properly operating and maintained exhaust and intake mufflers,	None required	Less Than Significant Impact

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
	consistent with manufacturers' standards. • Impact tools (e.g., jack hammers, etc.) used for construction shall be hydraulically or electrically powered when feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. When use of pneumatic tools is necessary, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used when feasible. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible. • Stationary noise sources shall be located as far from adjacent receptors as possible.		
Impact 3.9-2: The proposed project could expose people to, or generate, excessive groundborne vibration or groundborne noise levels.	None required	None required	Less Than Significant Impact
Impact 3.9-3: Construction of the proposed project could cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	None required	None required	Less Than Significant Impact
Impact 3.9-4: Operation of the proposed project could cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	None required	None required	Less Than Significant Impact

TABLE ES-1 (Continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Certified EIR Mitigation Measures	New Mitigation Measures	Significance after Mitigation
Transportation and Traffic			
The Transportation and Traffic analysis can be found in Section 3.3 of this SEIR			
Impact 3.10-1: The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	None required	None required	Less Than Significant Impact
Impact 3.10-2: The proposed project could conflict with an applicable congestion management program, including, but not limited to, LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	None required	None required	Less Than Significant Impact
Cumulative Impact			
The Cumulative Impact analysis can be found in Section 4 of this SEIR			
Impact 4-1: The proposed project, together with related projects, could create cumulative short-term construction impacts or long-term operation impacts related to aesthetics, air quality and greenhouse gas emissions, biological resources, cultural resources, geology, soils, and seismicity, hazards and hazardous materials, hydrology and water quality, land use, noise and vibration, and transportation and traffic.	**Mitigation Measure AQ-1**	None required	Less Than Significant Impact

1

INTRODUCTION AND PURPOSE

1.1 INTRODUCTION

The Sanitation Districts of Los Angeles County (Sanitation Districts) are a confederation of 24 independent sanitation districts, including the Santa Clarita Valley Sanitation District (SCVSD), that serve the wastewater and solid waste management needs of approximately 5.6 million people in Los Angeles County. These services include collection and treatment of wastewater (water from sinks, toilets, showers, laundry, etc.). The Sanitation Districts' service area covers approximately 850 square miles and encompasses 78 cities and unincorporated territory within Los Angeles County. Additional information is available on our website at www.lacsd.org.

The SCVSD provides wastewater management services for approximately 250,000 residents in the City of Santa Clarita and adjacent unincorporated areas. The SCVSD collects wastewater from households and businesses within its service area and treats the wastewater at its Saugus Water Reclamation Plant (SWRP) and Valencia Water Reclamation Plant (VWRP). The SWRP and VWRP have a combined treatment capacity of 28.1 million gallons per day (mgd) and currently treat approximately 20 mgd. The treated water is of high quality and suitable for a wide range of uses such as irrigation of street medians, golf courses, parks, and schools. Some treated wastewater is reused and the remainder is discharged to the Santa Clara River (SCR).

1.2 NEED FOR PROJECT

Under the Federal Clean Water Act and the State's Porter Cologne Act, the California Regional Water Quality Control Board-Los Angeles Region (Regional Water Board), a state agency, is responsible for regulating discharges to the SCR to protect beneficial uses of the river's water. In fulfilling this responsibility, the Regional Water Board adopted a regulatory order called the Upper Santa Clara River Chloride Total Maximum Daily Load (Chloride TMDL) in 2002 that imposes a strict limit on the level of chloride (salt) in the treated wastewater discharged by the SCVSD's two treatment plants.

The SCVSD spent more than ten years attempting to achieve the most reasonable chloride limit possible and seeking the least costly solution to meeting the State-mandated chloride limit. The SCVSD's two wastewater treatment plants are not designed to remove chloride. To meet the State-mandated limit and avoid regulatory penalties including State fines, additional treatment equipment must be designed, constructed and fully operational by the State's strict deadline of July 2019. The SCVSD Chloride Compliance Facilities Plan and Environmental Impact Report (Facilities Plan and EIR) document the technical studies completed to identify the most cost-effective and environmentally-responsible methods of meeting the State-mandated chloride limit. On October 28, 2013, after extensive public input, meetings, hearings, and environmental review, the SCVSD Board of Directors approved the highest-ranked, feasible alternative from the Facilities Plan (approved chloride compliance project) and certified that the associated EIR

(Certified EIR) [1] was completed in accordance with the California Environmental Quality Act (CEQA), codified at California Public Resources Code Sections 21000 et. seq.

Under the approved chloride compliance project, the existing chlorine-based disinfection systems at the VWRP and SWRP will be replaced with ultraviolet light (UV) disinfection facilities and a portion of the VWRP effluent will receive advanced treatment using microfiltration and reverse osmosis (MF/RO) to reduce chloride levels in the Santa Clarita Valley's treated sewage and comply with the State-mandated chloride limit for the Santa Clara River. The water that passes through the reverse osmosis membrane is ultra-clean water and the remaining water and salts (including chloride) form salty water called brine that must be properly disposed. Brine was originally to be disposed by deep well injection (DWI).

Based on public input regarding DWI, the SCVSD Board withdrew the DWI proposal and directed staff to investigate alternative deep well sites and additional brine management alternatives. These alternatives include newer technologies such as enhanced brine concentration that reduce the volume of brine requiring disposal and can be located at the VWRP.

Staff reconsidered the alternatives examined in the previously approved Facilities Plan. At this time, neither DWI nor a brine pipeline alternative can be implemented by the State's regulatory deadline. Brine concentration with disposal by trucking is the only alternative that can be implemented within the timeline mandated by the Regional Water Board. In the Facilities Plan and EIR, the brine trucking alternative was lowest ranked because of the costs and environmental impacts associated with high number of truckloads per day required for disposal under that alternative. Since the Facilities Plan and EIR were completed in 2013, enhanced brine concentration technology has been implemented in similar applications and has proven to be effective. This technology could be located at the VWRP and could allow for a 90 percent reduction in the required number of trucks per day, which would greatly reduce environmental impacts. Enhanced brine concentration facilities could also provide environmental benefits by maximizing the amount of recycled water available for use in the Santa Clarita Valley.

1.3 CEQA APPROACH: SUPPLEMENTAL EIR

The SCVSD proposes to modify one component of the approved chloride compliance project—the approach to brine management. The proposed project modification is to replace deep well injection with the addition of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine to an existing industrial facility. The potential environmental impacts of these changes have not been previously studied. Therefore, in accordance with CEQA, it is appropriate to evaluate the environmental impacts of construction and operation of the chloride compliance project as modified by the proposed project modification (modified compliance project). Once an EIR has been certified, CEQA allows for additional environmental review via a subsequent EIR, supplemental EIR, or an addendum. A subsequent EIR is prepared when the lead agency determines one or more of the following:

[1] The adequacy of the EIR certified in 2013 was legally challenged. Just before this document was set to print, the Superior Court of Los Angeles County clarified its ruling on this challenge stating that the 2013 EIR must be decertified and that the project approval must be set aside. Due to the timing of this clarification, the terms "Certified EIR" and "approved compliance project" are modified throughout the document by this description.

- Substantial changes are proposed in the project, or substantial changes occur with respect to the circumstances under which the project is undertaken, which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387 ["CEQA Guidelines"], §15162(a)(1), (2)); or

- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines §15162(a)(3)).

If one or more of the conditions described above for a subsequent EIR exist, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation, then the lead agency may instead prepare a supplemental EIR (CEQA Guidelines §15163(a)). The SCVSD, as the lead agency, has determined that the proposed project modification meets the conditions for a supplemental EIR. A supplemental EIR must be given the same kind of notice and public review that is given to a draft EIR under §15087 (CEQA Guidelines §15163(c)). A supplemental EIR may be circulated by itself without recirculating the previous draft or final EIR (CEQA Guidelines §15163(d)). When the SCVSD Board of Directors decides whether to approve the chloride compliance project as modified by the proposed project modification (modified compliance project), the SCVSD will consider this Supplemental Environmental Impact Report (SEIR) together with the Facilities Plan and EIR.

1.4 CEQA PROCESS OVERVIEW

1.4.1 Purpose of the SEIR

The SCVSD has prepared this Draft SEIR assessing potential adverse effects on the local and regional environment associated with construction and operation of the proposed project modification. This Draft SEIR has been prepared pursuant to CEQA and the CEQA Guidelines.

This Draft SEIR describes the environmental impacts of the proposed project modification and suggests mitigation measures where necessary to reduce impacts to a less-than-significant level. The impact analyses are based on a variety of sources, including the approved Facilities Plan and Certified EIR, agency consultation, technical studies, and field surveys. The SCVSD will use this

SEIR in considering whether to approve the proposed project modification. As lead agency, the SCVSD may use this SEIR to approve the proposed project modification, make findings regarding identified impacts, and if necessary, adopt a Statement of Overriding Considerations regarding these impacts.

1.4.2 Scope and Content

The SEIR focuses on the potentially significant environmental effects of the proposed project modification. Significance criteria (indicating what constitutes a significant impact) were developed for each environmental issue analyzed in the SEIR and are described at the beginning of each impact analysis section. Impacts are categorized as follows:

- Significant and Unavoidable Impact
- Less Than Significant Impact After Mitigation
- Less Than Significant Impact
- No Impact

CEQA provides that a lead agency may not approve or carry out a project unless it finds that the environmental effects of the project have been reduced to a less than significant level after mitigation or the project's benefits outweigh the unavoidable significant impacts. In the latter circumstance, the lead agency must adopt a Statement of Overriding Considerations (CEQA Guidelines §15093).

The potential environmental effects from the proposed project modification are analyzed in accordance with Appendix G of the CEQA Guidelines. Based on the Initial Study contained in Appendix B of this SEIR, the proposed project modification may have a potentially significant effect on the following environmental resource areas:

- Air Quality/GHGs
- Energy Resources
- Transportation and Traffic

These resource areas are discussed by area in Section 3.

1.5 CERTIFIED EIR MITIGATION MEASURES

To avoid or minimize significant environmental impacts, the EIR certified in 2013 (Certified EIR) included mitigation measures for all four final alternatives and several resource areas including air quality, biological resources, cultural resources, geology, soils and seismicity, hydrology and water quality, noise, and traffic and transportation. With the proposed project modification, some mitigation measures remain unchanged and some are no longer applicable. All applicable mitigation measures for the modified compliance project are identified below.

1.5.1 Air Quality

Mitigation Measure AQ-1

Equipment Tier Requirements. All construction equipment shall meet or exceed Environmental Protection Agency Tier 3 certification requirements when feasible. The contractor shall be required to document efforts to utilize Tier 3 equipment including providing justification when using Tier 3-certified or better equipment is not feasible. At a minimum, diesel-powered construction equipment that meets Tier 2 emission standards shall be used.

1.5.2 Biological Resources

Mitigation Measure BIO-1

Preconstruction Breeding Bird Surveys. If construction of the advanced treatment facilities (including the brine concentration facilities and truck loading station) will occur during the bird nesting period (typically February 1 through August 31), preconstruction surveys for nesting/roosting bird species shall be conducted by a qualified biologist no more than 5 days prior to the start of construction. The preconstruction surveys shall be limited to areas of native habitat located directly adjacent to and extending up to 500 feet from the construction area. The preconstruction surveys shall include least Bell's vireo (conducted by qualified biologist per USFWS protocol) and species protected under the Migratory Bird Treaty Act, including raptors.

Active nest sites identified during the preconstruction surveys shall be avoided and a non-disturbance buffer zone established as determined by a qualified biologist. Buffer distances shall be 150 feet for common birds, 300 feet for special-status birds, and 500 feet for raptors. The size of individual buffers may be modified based on site-specific conditions and pre-existing disturbance levels (e.g., species-specific information; ambient conditions and birds' lines of sight between the project activities and the nest and foraging areas), as determined by a qualified biologist. Documentation of any buffer zone modifications shall be maintained and submitted to the SCVSD. The buffer zone shall be delineated in the field with flagging, stakes, or construction fencing, and all clearing and grubbing activities shall remain outside the demarcated area. Nest sites shall be avoided until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist.

Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area. Documentation of all surveys and recommended protective measures shall be maintained by the biologist and provided to the SCVSD on a regular basis.

1.5.3 Cultural Resources

Mitigation Measure CUL-8

Qualified Paleontologist. Prior to the start of ground-disturbing activities at depths greater than 10 feet below ground surface, a qualified paleontologist, who could be a California Registered Professional Geologist with appropriate paleontological expertise, shall be retained to carry out all mitigation measures related to paleontological resources. A qualified paleontologist shall be available on an on-call basis throughout ground-disturbing activities.

Mitigation Measure CUL-9

Paleontological Resources Training. Prior to the start of ground-disturbing activities at depths greater than 10 feet below ground surface, all construction forepersons and field supervisors conducting or overseeing subsurface excavations shall be trained in person by a qualified paleontologist to recognize potential fossil materials. All other construction workers shall be trained to recognize paleontological resources, but training may include a video recording of the initial training and/or the use of written materials rather than in-person training. In addition, the training shall describe procedures to follow in the event of a potential fossil discovery.

Mitigation Measure CUL-10

Unanticipated Discovery of Paleontological Resources. If construction or other project personnel discover any potential fossils during ground-disturbing activities, work at the discovery location shall cease and a qualified paleontologist shall be contacted to further assess the discovery and make recommendations as necessary. If treatment and salvage is required, current professional standards shall be employed. Treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection. If, as a result of an unanticipated discovery, a qualified paleontologist determines that additional monitoring is warranted, monitoring shall follow the procedures outlined in Mitigation Measure CUL-11.

Mitigation Measure CUL-11

Paleontological Resources Monitoring. If a qualified paleontologist determines that additional monitoring is warranted due to an unanticipated discovery, then a qualified paleontologist, or a paleontological monitor working under the direction of a qualified paleontologist, shall monitor ground-disturbing activities. Paleontological monitoring shall be conducted by a qualified paleontological monitor familiar with the types of paleontological resources that could be encountered within the project area, and under the direct supervision of a qualified paleontologist. Monitoring would consist of periodically inspecting disturbed, graded, and excavated surfaces, as well as soil stockpiles and disposal sites. The duration and timing of monitoring shall be determined by a qualified paleontologist in consultation with the SCVSD. In the event that paleontological resources are unearthed during ground-disturbing activities, a paleontological monitor shall be empowered to halt or redirect ground-disturbing activities within 25 feet of the find so that the find can be evaluated. A paleontological monitor shall keep daily logs, copies of which shall be provided to the SCVSD. After monitoring has been completed, a qualified paleontologist shall prepare a monitoring report that details the results of monitoring submission to the SCVSD and to the appropriate repositories.

1.5.4 Noise

Mitigation Measure NOISE-1

Noise Reduction Measures. During construction, the contractor shall be required to implement the following measures as necessary to ensure compliance with applicable construction noise ordinances:

- All construction equipment, fixed or mobile, shall be outfitted with properly operating and maintained exhaust and intake mufflers, consistent with manufacturers' standards.

- Impact tools (e.g., jack hammers, etc.) used for construction shall be hydraulically or electrically powered when feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. When use of pneumatic tools is necessary, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used when feasible. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.
- Stationary noise sources shall be located as far from adjacent receptors as possible.

1.6 INTENDED USES OF THIS SEIR

This SEIR has been prepared in accordance with applicable state environmental statutes, regulations, and policies to inform federal, state, and local decision makers and the public regarding the potential environmental impacts of the proposed project modification. As an informational document, an SEIR does not recommend approval or denial of a project. The Draft SEIR will be provided to the public for review, comment, and participation in the planning process. After public review and comment, a Final SEIR will be prepared. The Final SEIR will include responses to comments received on the Draft SEIR. The SEIR is intended to support decision making by the lead agency and other responsible and trustee agencies.

1.6.1 SCVSD's Use

As the lead agency, the SCVSD has jurisdictional authority over the modified compliance project. This SEIR will be used by the SCVSD to make decisions with regard to the construction and operation of the modified compliance project and to inform agencies considering permit applications and other actions required for the construction and operation of the modified compliance project. Federal, state, regional, and local agencies that have jurisdiction over some part of the modified compliance project or a resource area affected by the project are expected to use this SEIR as part of their approval or permit process. Actions that the SCVSD may undertake after preparation of the Final SEIR include, but are not limited to:

- Certifying the SEIR
- Approving the proposed project modification or an alternative
- Completing final design
- Obtaining other agency permits and approvals
- Approving construction contracts
- Obtaining state and federal funding

1.7 KEY PRINCIPLES GUIDING PREPARATION OF THIS SEIR

1.7.1 Forecasting

In this SEIR, the SCVSD has made its best efforts to predict and evaluate the reasonably foreseeable environmental impacts of the proposed project modification. CEQA does not require

the SCVSD to engage in speculation about impacts that are not reasonably foreseeable. Therefore, CEQA does not require a worst-case analysis (CEQA Guidelines §§15144, 15145).

1.7.2 Environmental Thresholds, Substantial Evidence, and Disagreement Among Experts

The threshold of significance for a given environmental effect is the level at which the SCVSD finds that an environmental impact of the proposed project modification and its alternatives is significant. A threshold of significance can be defined as a "quantitative or qualitative standard, or set of criteria, pursuant to which significance of a given environmental effect may be determined" (CEQA Guidelines §15064.7 [a]). The thresholds of significance provided in the CEQA Guidelines have been used as the basis of the environmental impact analysis in this SEIR. Some thresholds or criteria have been adapted to the specific circumstances of the proposed project modification. The criteria for determining the significance of environmental impacts in this SEIR analysis are described in each resource area.

The SEIR identifies impacts as significant or less than significant. While impacts determined to be less than significant need only be acknowledged, an SEIR must attempt to identify feasible mitigation measures for any significant impact. If there are no feasible mitigation measures for a given impact, that impact would remain significant and unavoidable. The SCVSD has based its conclusions about the significance of environmental impacts in this SEIR on identifiable thresholds and has supported its conclusions with substantial evidence. Public comments on the Draft SEIR may yield evidence that results in disagreement about levels of significance and mitigation. Any disagreements will be noted and considered by the SCVSD when considering whether to certify the SEIR. However, CEQA does not require this SEIR to resolve such disagreements.

If expert opinions differ on an issue concerning the environmental impacts of a project and its alternatives, the main points of disagreement must be described in the SEIR. The Final SEIR will summarize any conflicting opinions reflected in comments and include sufficient information to allow the public and decision makers to consider the environmental consequences of the modified compliance project.

A lead agency making a decision on a project in which the record contains disagreement among experts need not select the most conservative, environmentally protective, or liberal opinion. The lead agency may give more weight to the views of one expert over another and need not resolve a dispute among experts. Although public comments must be considered and addressed by the lead agency, it need not incorporate the comments into the project as long as the lead agency identifies the basis for its decision and its decision is supported by substantial evidence.

1.7.3 CEQA Baseline

The CEQA Guidelines §15125 requires that an EIR include a description of the physical environmental conditions in the vicinity of the modified compliance project at the time the Notice of Preparation (NOP) is published. This environmental setting will normally serve as the baseline by which the lead agency determines whether an impact is significant. The lead agency may also consider a baseline condition that reflects fluctuations resulting from cyclical trends, such as drought and wet weather.

1.7.4 Requirements to Evaluate Alternatives

The CEQA Guidelines require that the alternatives section of an EIR:

- Rigorously explore and objectively evaluate all reasonable alternatives
- Include reasonable alternatives not within the lead agency's jurisdiction, if applicable
- Include a no-project alternative
- Identify the lead agency's preferred alternative
- Present the alternatives that were eliminated from detailed study and briefly discuss the reasons for elimination

The CEQA Guidelines §15126.6 requires an EIR to describe a range of reasonable alternatives to a project or to the location of the project that may feasibly meet most of the basic objectives of the proposed project modification but avoid or substantially lessen any significant environmental impacts. The EIR should compare merits of the alternatives and identify the environmentally superior alternative.

An EIR need identify only those alternatives necessary to permit a reasoned choice between the alternatives and the recommended plan. CEQA Guidelines §15126.6 provides that a feasibility analysis may consider site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise obtain access to the alternative site. The EIR is not required to evaluate an alternative that has an effect that cannot be reasonably identified, that has remote or speculative implementation, or that would not achieve the basic project objectives.

1.8 NOTICE OF PREPARATION

The SCVSD, as lead agency, issued a Notice of Preparation (NOP) for the Draft SEIR on September 18, 2015 with a 30-day public comment period ending on October 18, 2015. The NOP included a project description and a preliminary list of potential environmental impacts. Copies of the NOP were also made available for public review on the SCVSD website at www.lacsd.org. The SCVSD received comments on the NOP from seven parties. Appendix A includes the NOP and comments received.

1.9 PUBLIC PARTICIPATION PROGRAM

CEQA recommends conducting early coordination with the general public, appropriate public agencies, and local jurisdictions to assist in developing the scope of the environmental document. Three SEIR scoping meetings were held during the NOP review period. The first meeting was held at 1:30 PM on October 1, 2015 and a second meeting was held at 7 PM on the same day. The third meeting was held at 7 PM on October 6, 2015. Attendees were provided an opportunity to present comments and concerns regarding potential environmental effects of the proposed project modification and the issues to be addressed in the Draft SEIR.

The comments received during the NOP review period and at the public scoping meetings were considered during preparation of the Draft SEIR. Issues not related to the scope or environmental effects of the proposed project modification (e.g., financing or economic factors) were not addressed in the Draft SEIR but may be considered by the SCVSD before making a final decision on the project.

1.10 KNOWN AREAS OF CONTROVERSY

In accordance with §15063 and §15082 of CEQA Guidelines, the SCVSD, as the Lead Agency, prepared an NOP for the proposed project (see Appendix A). No areas of controversy were identified during the NOP scoping period for the Draft SEIR with respect to the SEIR. However, the adequacy of the EIR certified in 2013 (Certified EIR or 2013 EIR) was challenged in court by the Affordable Clean Water Alliance (ACWA). This challenge was heard in Superior Court on Tuesday, February 23, 2016. The SCVSD prevailed on most of the disputed issues. ACWA's petition was only granted in two narrow areas.

First, the Court directed the SCVSD to conduct further environmental study on potential impacts to an endangered fish (unarmored threespine stickleback) that could result if the SCVSD were to significantly reduce its discharge of treated wastewater to the river in support of water reuse. This water reuse component of the Certified EIR is independent of the project components needed to comply with the Chloride TMDL. To avoid delays in meeting the Chloride TMDL deadline, the water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Second, the Court set aside the approval of the compliance project and the associated 2013 EIR because of the need for more stickleback analysis and because the SCVSD is pursuing a different method of brine management. The Court found no fault with any of the chloride compliance components of the project.

On March 23, the SCVSD Board will be asked to recertify the 2013 EIR without the water reuse component, certify the SEIR, and approve a modified chloride compliance project. If the Board takes these actions, the Court's ruling is not expected to affect the SCVSD's schedule for complying with the Chloride TMDL.

1.11 IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA requires that an EIR identify irreversible environmental impacts that would be caused by the project. Implementation of the modified compliance project may result in some irreversible environmental changes including the potential disruption of archaeological resources. This SEIR assesses these impacts if the impacts are related to air quality, greenhouse gases, energy or transportation. For other resource areas, any irreversible impacts are discussed in the Certified EIR.

1.12 SEIR ORGANIZATION

The SEIR is organized as follows:

Executive Summary. This section summarizes the contents of the Draft SEIR (under separate cover).

Section 1. Introduction and Purpose. This section discusses the CEQA process and the purpose of the SEIR.

Section 2. Project Description. This section describes the proposed project modification, the need for a compliance project, and the objectives of the modified compliance project.

Section 3. Environmental Setting, Impacts and Mitigation Measures. This section describes the environmental setting and identifies impacts of the proposed project modification for the following environmental resource areas: Air Quality/Greenhouse Gas Emissions, Energy Resources, and Transportation/Traffic.

Section 4. Cumulative Impacts. This section describes the potential impacts of the modified compliance project when considered together with other related projects in the project area.

Section 5. Growth Inducement. This section evaluates the potential for modified compliance project to induce population growth and result in secondary environmental effects due to such growth.

Section 6. Project Alternatives. This section refers to the robust alternatives analysis completed in the Facilities Plan and EIR, discusses the alternatives considered in defining the modified compliance project, analyzes the environmental impacts of three alternatives, and identifies the environmentally superior alternative.

Section 7. Response to Comments. This section provides the comment letters and hearing transcripts received during the public review period for the SEIR. Responses to all comments received have been prepared and are included in this section.

Section 8. Changes and Errata. This section describes the modifications that were made between the Draft and Final SEIR. This section includes all revisions related to public comments, updates, and clarifications, as determined necessary by the SCVSD.

References, report preparers, and a list of abbreviations are included after Section 6. Supporting information is included as appendices. As documented in Appendix E, the Facilities Plan and EIR, as well as this Supplemental EIR, were prepared in conformance with the State Water Resources Control Board's policy for implementing the Clean Water State Revolving Fund (SRF) Program for construction of wastewater treatment facilities.

2

PROJECT DESCRIPTION

2.1 INTRODUCTION

As stated in Section 1.1, the Santa Clarita Valley Sanitation District (SCVSD) provides wastewater (sewage) management services to the Santa Clarita Valley. The SCVSD treats wastewater at two water reclamation plants—the Saugus and Valencia Water Reclamation Plants (SWRP and VWRP).

As described in Section 1.2, the SCVSD Board of Directors approved a chloride compliance project (approved chloride compliance project) and certified the associated EIR (Certified EIR) on October 28, 2013. Under the approved chloride compliance project, chlorine disinfection will be replaced by disinfection with ultraviolet light (UV disinfection) at SWRP and VWRP, and advanced treatment facilities will be added at the VWRP. Collectively, these facilities will reduce chloride levels in the Santa Clarita Valley's treated wastewater and comply with the State-mandated chloride limit for the Santa Clara River. Brine, a salty water byproduct from advanced treatment, was originally to be managed by deep well injection. The SCVSD now proposes to modify one component of the approved compliance project—the approach to brine management. The proposed project modification is to replace deep well injection with the addition of brine concentration equipment at the VWRP and limited trucking of concentrated brine to an existing industrial facility. The remainder of this section describes the proposed project modification in detail.

2.2 PROJECT LOCATION

The general location of the facilities in the approved chloride compliance project is shown on Figure 2-1 along with the components of the proposed project modification. The VWRP and its proposed inbound and outbound truck routes are shown on Figure 2-2. The Joint Water Pollution Control Plant (JWPCP), its disposal stations, and its proposed inbound and outbound truck routes are shown on Figure 2-3.



Figure 2-1
General Location of Compliance Project Facilities

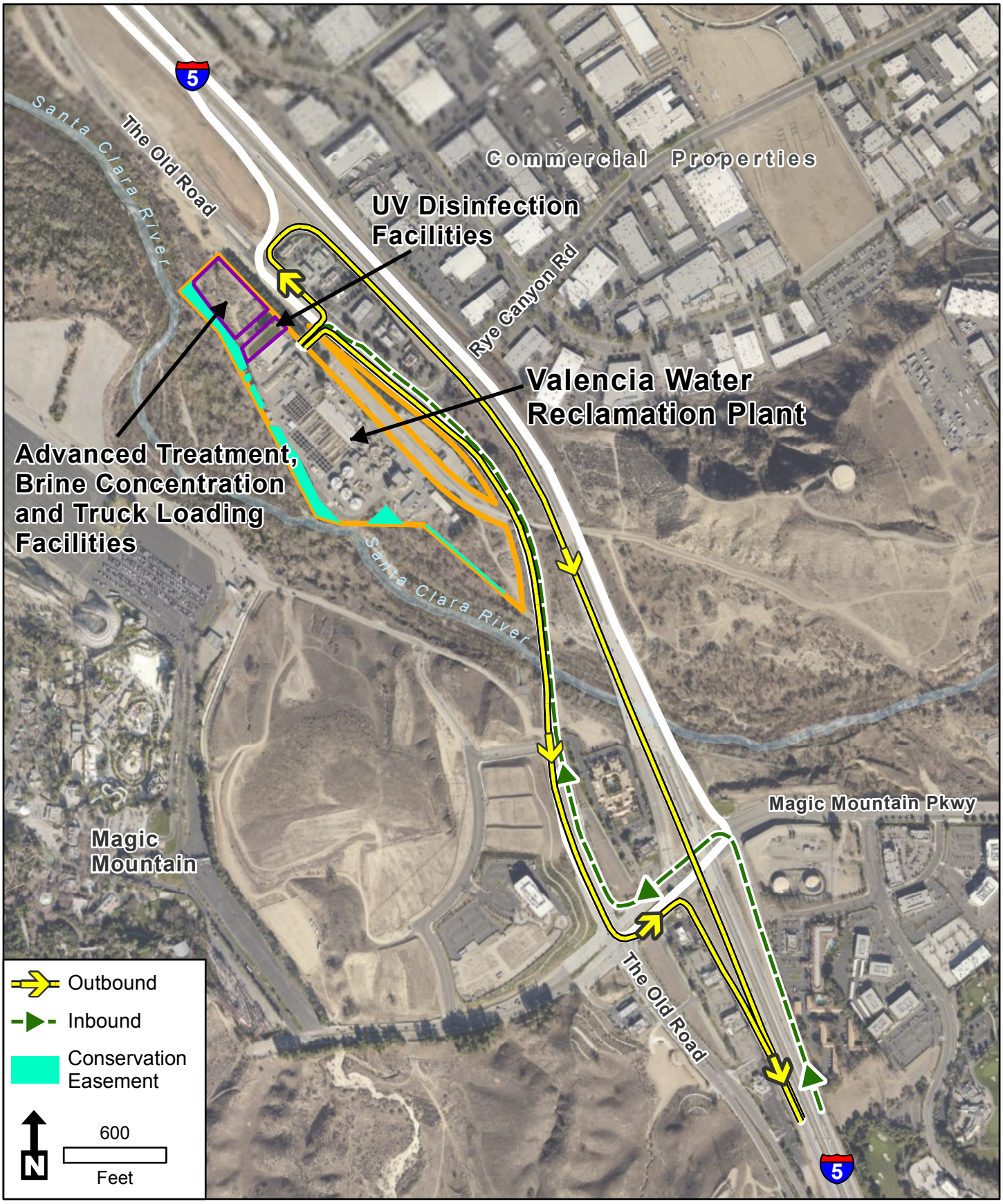
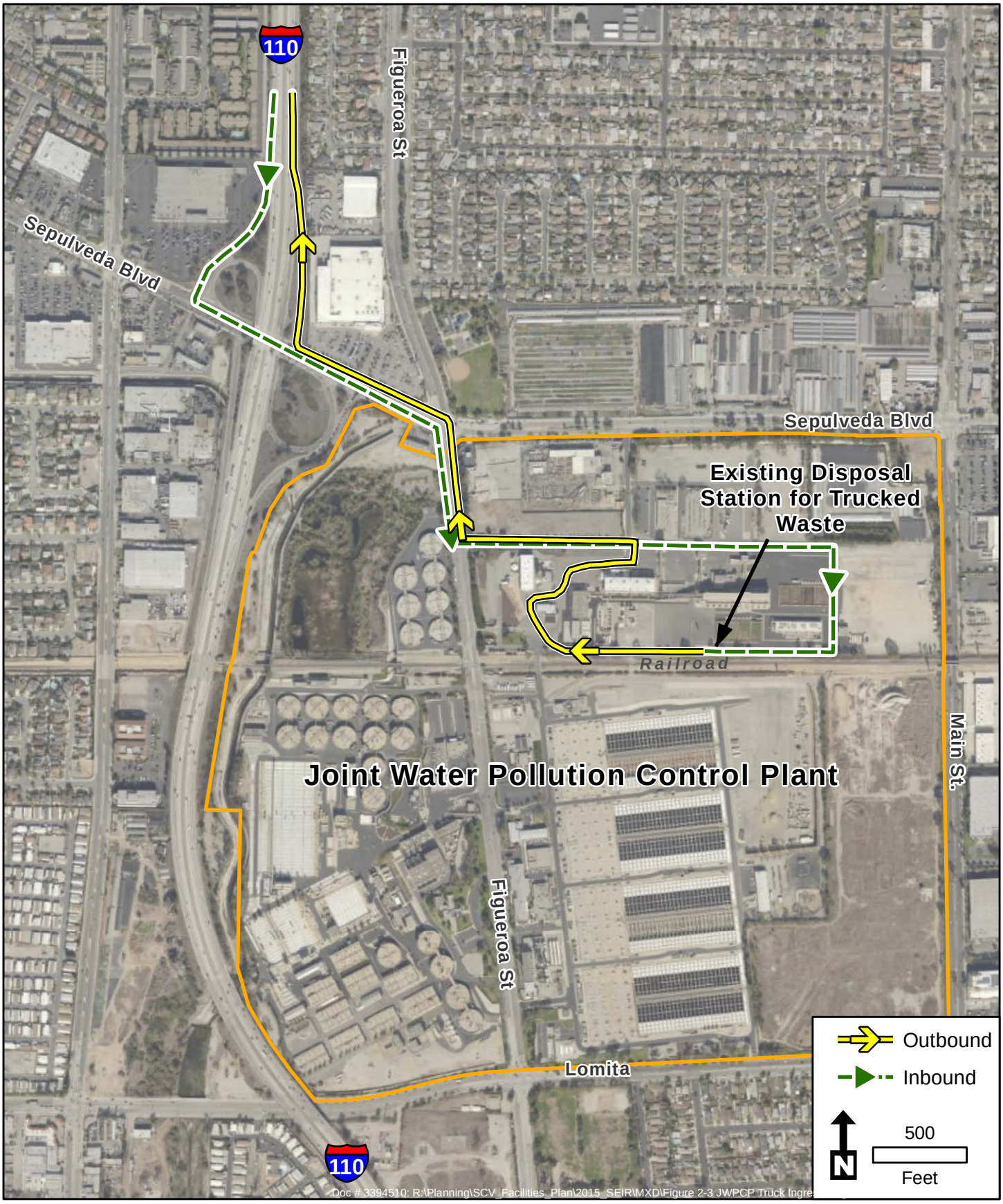


Figure 2-2
Valencia WRP and Truck Routes



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure 2-3
Joint Water Pollution Control Plant and Truck Routes

2.3 PROJECT OBJECTIVES

The goal of this SEIR is similar to that of the Facilities Plan—to identify a plan for brine management that meets project objectives in a cost-effective and environmentally-sound manner. The revised objectives of the chloride compliance project are to:

- Provide compliance with the State-mandated Chloride TMDL for SCVSD wastewater treatment and discharge facilities by the State's deadlines
- Utilize an existing industrial facility for brine disposal
- Provide a wastewater treatment and effluent management program that accommodates recycled water reuse opportunities in the Santa Clarita Valley while protecting beneficial uses of the Santa Clara River.

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

2.4 DESCRIPTION OF PROPOSED PROJECT

The proposed modification to the approved chloride compliance project is to replace brine management by deep well injection with the addition of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine (an average of 6 truckloads per day, 10 maximum, during off-peak hours) to an existing industrial facility. As described above, the water reuse project component in the Certified EIR is no longer part of the currently proposed project.

The VWRP is located at 28185 The Old Road in unincorporated Los Angeles County, west of the Interstate 5 Freeway near the west end of Rye Canyon Road. The enhanced brine concentration process would include an enhanced membrane system consisting of extensive pretreatment facilities (including nanofiltration, ion exchange and decarbornator for pH control) combined with more steps of reverse osmosis (RO) than are provided in a typical RO system. This technology would reduce the volume of brine requiring disposal and the resulting number of truckloads per day by 90 percent (i.e., 6 instead of 60 truckloads per day) compared to the trucking alternative evaluated in the Certified EIR. All chemical storage tanks associated with brine concentration facilities would be provided with secondary containment in case of spill or storage container rupture. Further, the design of the loading station will include features to prevent brine spills from entering the Santa Clara River. The brine concentration facilities would be installed within the existing footprint at the plant in an area of disturbed but undeveloped land. Ancillary work includes limited grading, construction of buildings and canopies to protect certain equipment from the elements, construction of storage tanks for concentrated brine, and installation of yard piping, stormwater management facilities, and electrical facilities. To provide all weather access and minimize dust, the area to be developed would receive a surface treatment

consisting of gravel, concrete sidewalk, or asphalt pavement. See Figure 2-4 for a closer view of the VWRP and Figure 2-5 for ground-level photos of the proposed area to be developed.

The SWRP and VWRP have a combined treatment capacity of 28 million gallons per day (mgd) and currently treat 20 mgd (70 percent of capacity). When the amount of wastewater produced by the community has grown such that the SWRP and VWRP are operating at their capacity, the chloride compliance facilities with brine concentration would produce an average of 33,000 gallons per day (gpd) of concentrated brine and a maximum of 52,000 gpd. This equates to 6 truckloads per day on average, with a maximum of 10. When the chloride compliance facilities begin operating in 2019, the wastewater flow to the two WRPs is expected to be 22 mgd (or 80 percent of capacity), resulting in 5 truckloads per day on average, with a maximum of 8. Trucks would be loaded with concentrated brine at a new truck loading station located adjacent to the brine concentration equipment (see Figure 2-4). The SCVSD would truck during off-peak hours to avoid morning and evening rush hours.

Concentrated brine would be trucked to an existing industrial facility. The currently proposed location is the JWPCP in Carson, which treats wastewater from much of the Los Angeles Basin (over 270 million gallons per day) and discharges to the ocean. This site contains existing, authorized disposal stations for trucked wastewater that can accept the SCVSD's brine without modification. This site is the top-ranked brine-disposal location for the reasons documented in Section 6. The JWPCP, its disposal stations and the inbound and outbound haul routes are shown on Figure 2-3. A closer view of the disposal stations is shown on Figure 2-6, and ground-level photos at one of the disposal stations are shown on Figure 2-7.

2.4.1 Renewable Energy

To offset the power demands of the chloride compliance project, the modified compliance project may also include onsite power generation. In Section 6, various potential technologies were evaluated. The most promising technologies at this time are solar photovoltaic panels and facilities to generate power from the digester gas produced by the existing anaerobic solids digestion treatment process.

Solar panels create energy from the sun and their use by homes and businesses is growing rapidly in California. The panels likely to be used by the SCVSD would be about 3 feet by 5 to 6 feet each and mounted at a fixed angle facing south (for maximum sun exposure). The low and high ends of the panel would be about ½ foot and 3 feet above ground (or flat roof), respectively. There are three potential areas for panel installation as shown on Figure 2-8: Solar Area 1-on top of the VWRP flow equalization tanks; Solar Area 2-on disturbed, but undeveloped land at the south end of the plant; and Solar Area 3-on the roofs of buildings where such placement would not negatively impact access to equipment on the roof. Collectively, such facilities would produce about 700,000 kilowatt-hours per year (kWh/yr).

A portion of the VWRP digester gas is currently used to create steam for the solids digesters while the remainder is combusted in a flare. A second potential renewable energy project involves the installation of a microturbine, internal combustion engine, or similar equipment coupled with a generator to use the plant's digester gas to create power. A heat recovery steam generator would utilize the waste heat in the exhaust of the power production equipment to produce low pressure steam for the digesters. The gas-to-energy facilities would be located in the center of the VWRP (see Figure 2-8).



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

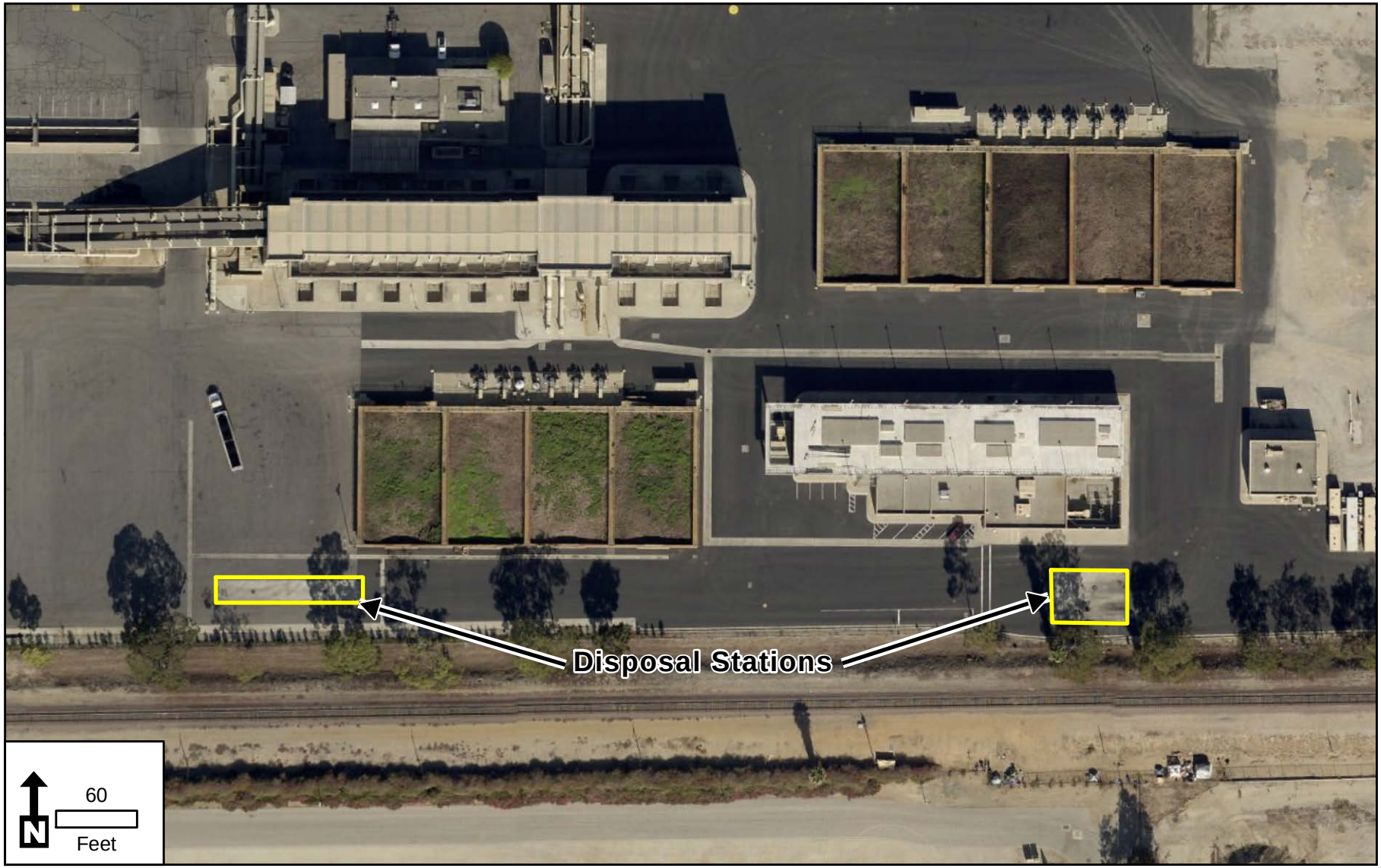
Figure 2-4

Valencia WRP Facilities





Figure 2-5
Valencia WRP Development Area



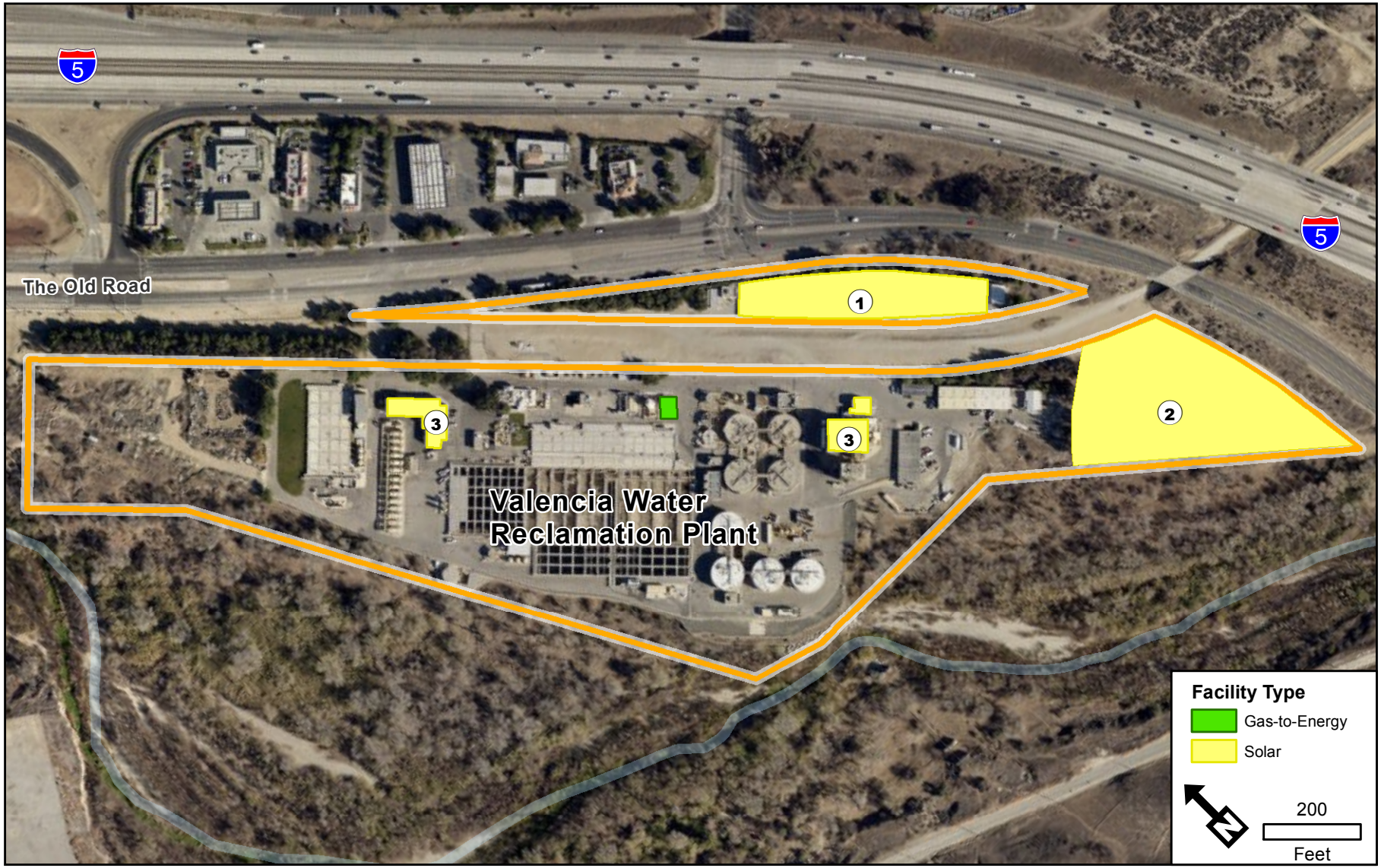
SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure 2-6

Existing Joint Water Pollution Control Plant Disposal Stations



Figure 2-7
Joint Water Pollution Control Plant Disposal Station



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure 2-8

Locations of Potential Renewable Energy Facilities

These facilities would be a single story high except for the exhaust stack, which might be as high as two stories. The gas-to-energy facilities would be capable of handling 220 cubic feet per minute of digester gas and generating up to 800 kilowatts of electricity (about 6,700,000 kWh/yr). These facilities would require an interconnection agreement with Southern California Edison and a permit from the South Coast Air Quality Management District to ensure facility emissions meet regulatory requirements.

Solar and gas-to-energy facilities at the VWRP are technically feasible and would reduce the amount of power that the SCVSD needs to purchase. However, the cost of solar would exceed SCVSD's current cost of electricity. Future electricity cost increases, decreases in solar panel costs, or receipt of grant funding could make solar more attractive economically. Preliminary analysis of gas-to-energy facilities indicated that such an installation may be economical; however, further evaluation is needed before a recommendation can be made on whether to implement a project. To enable timely implementation of a renewable energy project, the environmental impacts of installing solar panels and a gas-to-energy microturbine at the VWRP are analyzed in this SEIR. Any necessary additional CEQA analysis will be completed before implementation.

2.5 POTENTIAL DISCRETIONARY APPROVALS

This SEIR is intended to provide agencies with permitting authority over a portion of the project with information to support the agency permitting process. If implemented, the microturbine and the decarbonator may require a permit from the South Coast Air Quality Management District. Otherwise, the modified compliance project is not expected to require any other specific permits or other discretionary approvals.

3
ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

In compliance with §15126 of the CEQA Guidelines, Section 3 provides an analysis of the environmental effects of the proposed modification to the approved project with respect to existing conditions at the time the NOP was published (Appendix A). The following environmental resources are assessed in this section in accordance with Appendix G of the CEQA Guidelines:

- Air Quality and Greenhouse Gas Emissions
- Energy Resources
- Transportation and Traffic

Each environmental resource section includes the following subsections:

- Environmental Setting
- Regulatory Background
- Environmental Impacts and Mitigation Measures

3.1
AIR QUALITY AND GREENHOUSE GAS EMISSIONS

3.1.1 INTRODUCTION

This section addresses the potential impacts to air quality and greenhouse gas (GHG) emissions from implementation of the chloride compliance project as revised by the proposed project modification described in Section 2 (modified compliance project or project). This section provides an overview of the environmental setting to establish baseline conditions for air quality, a summary of the applicable regulatory framework, and a discussion of global climate change and the potential GHG emissions resulting from the modified compliance project. The methods used to analyze emissions are consistent with the recommendations of the South Coast Air Quality Management District (SCAQMD). Air quality modeling was prepared for the modified compliance project and is presented in Appendix C.

3.1.2 ENVIRONMENTAL SETTING

3.1.2.1 Air Quality Background

The project site is located in unincorporated Los Angeles County within the South Coast Air Basin (SCAB) and is under the jurisdiction of the SCAQMD. The SCAB is a 6,600-square-mile coastal plain bounded by the Pacific Ocean to the southwest and by the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The SCAB includes the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County.

Ambient (background) concentrations of air pollutants are determined by calculating the amount of emissions released by sources and the atmosphere's ability to transport and dilute the emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, in addition to the amount of emissions released by existing air pollutant sources, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate as discussed in the following sections.

3.1.2.2 Criteria Air Pollutants

The California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA) currently focus on the following air pollutants as indicators of ambient air quality: ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable particulate matter with a diameter of 10 micrometers or less (PM_{10}), fine particulate matter with an

aerodynamic diameter of 2.5 micrometers or less ($PM_{2.5}$), and lead. These pollutants are referred to as "criteria air pollutants" because they are the most prevalent air pollutants known to be injurious to human health. Standards have been established for each criteria pollutant to meet specific public health and welfare criteria set forth in the federal Clean Air Act (CAA). California has adopted generally more stringent ambient air quality standards for the criteria air pollutants (referred to as State Ambient Air Quality Standards, or state standards) and has adopted air quality standards for some pollutants for which there is no corresponding national standard, such as sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.

3.1.2.2.1 Ozone

Ozone, the main component of photochemical smog, is primarily a summer and fall pollution problem. Ozone is not emitted directly into the air but is formed through a complex series of chemical reactions involving other compounds that are directly emitted. These directly-emitted pollutants (also known as ozone precursors) include reactive organic gases (ROG) or volatile organic compounds (VOCs), and oxides of nitrogen (NO_X). The time period during which ozone forms allows the reacting compounds to spread over a large area, producing regional pollution problems. Ozone concentrations are the cumulative result of regional development patterns rather than the result of a few significant emission sources.

Once ozone is formed, it remains in the atmosphere for 1 or 2 days. Ozone is then eliminated by reacting with chemicals on the leaves of plants, attaching to water droplets as they fall to earth ("rainout"), or being absorbed by water molecules in clouds that later fall to earth with rain ("washout").

Short-term exposure to ozone can irritate the eyes and cause constriction of the airways. In addition to causing shortness of breath, ozone can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

3.1.2.2.2 Carbon Monoxide

CO, a colorless and odorless gas, is a relatively non-reactive pollutant that is a product of incomplete combustion and is mostly associated with motor vehicles. When inhaled at high concentrations, CO combines with hemoglobin and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease, or anemia. CO measurements and modeling were important in the early 1980s when CO regularly exceeded limit levels throughout California. As a result of state and local control strategies, the South Coast Air Basin (SCAB) has not exceeded the federal standard since 2002.

3.1.2.2.3 Nitrogen Dioxide

NO_2 is a reddish-brown gas that is a by-product of combustion processes. Automobiles and industrial operations are the main sources of NO_2. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO_2. The combined emissions of NO and NO_2 are referred to as NO_X, which are reported as equivalent NO_2. Aside from its contribution to ozone formation, NO_2 may increase the risk of acute and chronic respiratory disease and reduce visibility. NO_2 may be visible as a coloring component of a brown cloud on high pollution days, especially in conjunction with high ozone levels.

3.1.2.2.4 Sulfur Dioxide

SO_2 is a colorless, irritating gas or liquid that enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries. When SO_2 oxidizes in the atmosphere, it forms sulfur trioxide (SO_3) and sulfates (SO_4). Collectively, these pollutants are referred to as sulfur oxides (SO_X).

Major sources of SO_2 include power plants, large industrial facilities, diesel vehicles, and oil-burning residential heaters. Emissions of SO_2 aggravate lung diseases, especially bronchitis. This compound also constricts the breathing passages, especially in people with asthma and people involved in moderate to heavy exercise. SO_2 may cause wheezing, shortness of breath, and coughing. Long-term SO_2 exposure has been associated with an increased risk of mortality from respiratory or cardiovascular disease.

3.1.2.2.5 Particulate Matter

PM_{10} and $PM_{2.5}$ consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively (a micron is one-millionth of a meter). PM_{10} and $PM_{2.5}$ can be inhaled into human air passages and lungs and can cause adverse health effects. Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases; heart and lung disease; and coughing, bronchitis, and respiratory illnesses in children. Recent studies have shown an association between illness and mortality and certain daily concentrations of particulate matter in the air. Particulate matter can also damage materials and reduce visibility. One common source of $PM_{2.5}$ is diesel exhaust emissions.

PM_{10} consists of particulate matter emitted directly into the air (e.g., fugitive dust, soot, and smoke from mobile and stationary sources and construction operations, fires, and natural windblown dust) and particulate matter formed in the atmosphere by condensation and/or transformation of SO_2 and ROG. Traffic generates particulate matter emissions through entrainment of dust and dirt particles that settle onto roadways and parking lots. PM_{10} and $PM_{2.5}$ are also emitted by burning wood in residential wood stoves and fireplaces and open agricultural burning. $PM_{2.5}$ can also be formed through secondary processes such as airborne reactions with certain pollutant precursors, including VOCs, ammonia (NH_3), NO_X, and SO_X.

3.1.2.2.6 Lead

Lead is a metal naturally found in the environment that is present in some manufactured products. A variety of activities that can contribute to lead emissions are grouped into two general categories: stationary and mobile sources. On-road mobile sources include light-duty automobiles; light-, medium-, and heavy-duty trucks; and motorcycles.

Emissions of lead have dropped substantially over the past 40 years. The reduction before 1990 is largely due to the phase-out of lead as an anti-knock agent in gasoline for on-road automobiles. Substantial emission reductions have also been achieved due to enhanced controls in the metals processing industry. In the SCAB, atmospheric lead is generated almost entirely by the combustion of leaded gasoline and contributes less than 1 percent of the material collected as total suspended particulates.

3.1.2.3 Toxic Air Contaminants

Concentrations of toxic air contaminants (TACs) or, in federal parlance, hazardous air pollutants (HAPs) are also used as indicators of ambient air quality conditions. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health, even at low concentrations.

3.1.2.4 Odorous Emissions

Odors are generally regarded as an annoyance rather than a health hazard. Offensive odors are unpleasant and can lead to public distress generating citizen complaints to local governments. Although unpleasant, offensive odors rarely cause physical harm. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receptors.

3.1.2.5 Climate and Meteorological Conditions

Atmospheric conditions such as wind speed, wind direction, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants. The topography and climate of southern California combine to make the SCAB an area of high air pollution potential. The SCAB is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the west and high mountains around the rest of the perimeter. The region lies in the semi-permanent high-pressure zone of the eastern Pacific, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The usually mild climatological pattern is disrupted occasionally by periods of extremely hot weather, winter storms, or Santa Ana winds. During the summer months, a warm air mass frequently descends over the cool, moist marine layer produced by the interaction between the ocean's surface and the lowest layer of the atmosphere. The warm upper layer forms a cap over the cool marine layer and inhibits the pollutants in the marine layer from dispersing upward. In addition, light winds during the summer further limit movement. Further, sunlight triggers the photochemical reactions that produce ozone.

3.1.2.5.1 Climate Change Overview

Various gases in the earth's atmosphere, classified as GHGs, play a critical role in determining its surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth re-radiates this energy back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation (that otherwise would have escaped back into space) is now retained in the atmosphere and results in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), chlorofluorocarbons (CFCs), and sulfur hexafluoride (SF_6). Much of the scientific literature suggests that human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for intensifying the greenhouse effect and have led to a trend of unnatural warming of earth's

climate, known as global climate change or global warming. While there is some debate regarding this issue, it is unlikely that the global climate change of the past 50 years can be explained without contribution from human activities (IPCC 2007).

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Although pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have long atmospheric lifetimes (one year to several thousand years). GHGs persist in the atmosphere for long enough to be dispersed around the globe. Although the exact lifetime of any particular GHG molecule is dependent on multiple variables and cannot be pinpointed, it is generally understood that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. Of the total annual human-caused CO_2 emissions, approximately 54 percent are sequestered through ocean uptake, uptake, northern hemisphere forest regrowth, and other terrestrial sinks, while the remaining 46 percent stays in the atmosphere (Seinfeld and Pandis 1998).

Similarly, GHG impacts are borne globally, unlike localized air quality effects of criteria air pollutants and toxic air contaminants. The quantity of GHGs that would ultimately result in climate change is not precisely known. However, it is clear that the quantity is enormous, and no single project would contribute to a noticeable incremental change in the global average temperature, or to global, local, or micro climates. From the standpoint of CEQA, GHG impacts to global climate change are inherently cumulative.

3.1.2.5.2 Greenhouse Gas Emission Sources

According to much of the scientific literature on this topic, GHG emissions that contribute to global climate change are attributable in large part to human activities associated with the transportation, industrial/manufacturing, utility, residential, commercial, and agricultural sectors (CARB 2010). CO_2 emissions are byproducts of fossil fuel combustion. Methane, a highly potent GHG, is largely associated with agricultural practices and waste decomposition in landfills. Nitrous oxide is also largely attributable to agricultural practices and soil management. CO_2 sinks, or reservoirs, include vegetation and the ocean, which take up CO_2 through absorption and dissolution, respectively, and are the two most common processes of CO_2 sequestration.

California produced 459 million metric tons of CO_2 equivalent ($MMTCO_2e$) in 2012 (CARB, 2014a). This is an increase from levels between 2009 and 2011 (458.44, 453.06, and 450.94 $MMTCO_2e$ respectively) but a decrease from levels between 2000 and 2008 where emissions ranged from a low of 466.32 $MMTCO_2e$ in 2000 to a high of 492.86 $MMTCO_2e$ in 2004 (CARB, 2014a). CO_2e is a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. Expressing emissions in CO_2e takes the contributions to the greenhouse effect from all GHG emissions and converts them to the equivalent effect that would occur if only CO_2 were being emitted. GHG global warming potential depends on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, SF_6 is a GHG commonly used in the utility industry as an insulating gas in circuit breakers and other electronic equipment. SF_6, while comprising a small fraction of the total GHGs emitted annually world-wide, is a much more potent GHG with 22,800 times the global warming potential (GWP) of CO_2. Therefore, an emission of one metric ton (MT) of SF_6 could be reported as an emission of 22,800 MT of CO_2e (Intergovernmental Panel on Climate Change [IPCC], 2007). Large emission sources are reported in million metric tons of CO_2e.

Combustion of fossil fuel in the transportation sector was the single largest source of California's GHG emissions in 2012, accounting for 36 percent of total GHG emissions (CARB, 2014a). This sector was followed by the electric power sector (including both in-state and out-of-state sources) (21 percent) and the industrial sector (19 percent) (CARB, 2014a).

3.1.2.6 Existing Air Quality

The SCAQMD monitors ambient air pollutant concentrations through a series of monitoring stations located throughout the SCAB. See section 3.1.2.1, the project site is located in the Santa Clarita Valley subregion. The closest monitoring station located within the Santa Clarita Valley subregion is the Santa Clarita-Placerita monitoring station (22224 Placerita Canyon) located approximately 3 miles southeast of the project site. That monitoring station currently monitors ambient concentrations of ozone, CO, NO_2, PM_{10}, and $PM_{2.5}$. Historical data from the Santa Clarita-Placerita monitoring station for the most recent 3 years available (2012-2014) are shown in Table 3.1-1.

Both CARB and the EPA use this type of monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of these designations is to identify the areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are nonattainment, attainment, and unclassified. Unclassified is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards. In addition, the California designations include a subcategory of nonattainment-transitional, which is given to nonattainment areas that are progressing and nearing attainment.

The SCAB is currently classified as a federal nonattainment area for ozone (extreme), $PM_{2.5}$ (moderate), and lead standards, a federal attainment area for SO_2, and a federal attainment area for NO_2, CO, and PM_{10} (EPA 2015). The SCAB is classified as a state nonattainment area for ozone, PM_{10}, and $PM_{2.5}$ and an attainment area for NO_2, CO, SO_2, and lead (CARB 2013a).

Table 3.1-1 Air Quality Data Summary (2012–2014)[a]

		Monitoring Data by Year		
Pollutant	**Standard[b]**	**2012**	**2013**	**2014**
Ozone				
Highest 1-Hour Average (ppm)		0.13	0.13	0.14
Days Over State Standard	0.09 ppm	45	30	32
Highest 8-Hour Average (ppm)		0.11	0.10	0.11
Days Over National Standard	0.075 ppm	57	40	45
Days Over State Standard	0.070 ppm	83	58	65
Carbon Monoxide				
Highest 8-Hour Average (ppm)		0.82	*	*
Days Over National Standard	9 ppm	0	0	0
Days Over State Standard	9 ppm	0	0	0

Pollutant	Standard[b]	Monitoring Data by Year 2012	2013	2014
Nitrogen Dioxide				
Highest 1-Hour Average (ppm)		0.07	0.07	0.06
Days Over National Standard	0.10 ppm	0	0	0
Days Over State Standard	0.18 ppm	0	0	0
Annual Average (ppm)		0.01	0.01	0.01
Days Over National Standard	0.05 ppm	0	0	0
Days Over State Standard	0.03 ppm	0	0	0
Sulfur Dioxide[c]				
Highest 24 Hour Average (ppm)		0.002	0.025	*
Days over State Standard	0.04 ppm	0	0	*
Particulate Matter (PM_{10})				
Highest 24-Hour Average ($\mu g/m^3$) [d,e]		37.0	43.0	47.0
Days Over National Standard (Measured)	150 $\mu g/m^3$	0	0	0
Days Over State Standard (Measured)	50 $\mu g/m^3$	0	0	0
Annual Average ($\mu g/m^3$)	20 $\mu g/m^3$	17.9	21.6	23.2
Particulate Matter ($PM_{2.5}$)				
Highest 24-Hour Average ($\mu g/m^3$) [f]		29.0	29.5	28.9
Days Over National Standard (Measured)	35 $\mu g/m^3$	*	*	*
Annual Average ($\mu g/m^3$)	12 $\mu g/m^3$	10.1	9.9	*

ppm = parts per million; $\mu g/m^3$ = micrograms per cubic meter

* = There were insufficient (or no) data available to determine the value.

[a] It should be noted that a violation at any air quality monitoring station will cause an air basin to fall out of attainment. For instance, even though pollutant concentrations monitored at a particular station within SCAB may be at attainment level, that doesn't mean that SCAB as a whole is also in attainment.

[b] Generally, state standards and national standards are not to be exceeded more than once per year.

[c] Sulfur dioxide values were taken from the Burbank at W Palm Avenue monitoring station as SO_2 is not monitored at the Santa Clarita location. The Burbank location is the closest monitoring station that reports SO_2 concentrations.

[d] Concentrations and averages represent federal statistics. State and federal statistics may differ because of different sampling methods.

[e] Measurements are usually collected every 6 days.

[f] Concentrations and averages represent state statistics. State and federal statistics may differ because of different sampling methods.

Source: CARB 2015, Santa Clarita-Placerita Monitoring Station (O_3, CO, NOx, PM_{10}, $PM_{2.5}$), and Burbank- W Palm Avenue Monitoring Station (SO_2).

3.1.2.7 Sensitive Land Uses

Land uses such as schools, children's daycare centers, hospitals, and convalescent homes are considered to be more sensitive to poor air quality than the general public because the population groups associated with these uses have increased susceptibility to respiratory distress. In addition, residential uses are considered more sensitive to air quality conditions than commercial and industrial uses, because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions.

Currently, sensitive receptors in the vicinity of the VWRP consist of residential developments approximately 4,000 feet to the south at Los Arqueros Drive near The Old Road, and approximately 4,500 feet southeast along both sides of Magic Mountain Parkway near Fairways. Additional residential developments are located further south and east of these developments. The nearest residential development to the north is 1.8 miles northwest of the project site near the intersection of The Old Road and Live Oak Road. The nearest school is the Montessori of Valencia Preschool, located approximately 5,400 feet northeast of the project site at 24925 Anza Drive.

Sensitive receptors in the vicinity of the SWRP consist mostly of residential developments. The nearest is a multi-family residential development 800 feet southwest of the site across Bouquet Canyon Road and south of Cinema Drive. Additional residential developments are located approximately 2,000 feet northwest of the site near the intersection of Bridgeport Lane and Parkwood Lane, and 3,400 feet east between Newhall Ranch Road and Santa Clara River Trail. The nearest School is the Tutor Time preschool located approximately 2,600 feet north of the site at 23041 Newhall Ranch Road. The Mission View Public High School is located 3,600 feet southwest of the site at 26344 Citrus Street.

3.1.3 REGULATORY BACKGROUND

3.1.3.1 Federal

3.1.3.1.1 U.S. Environmental Protection Agency

The principal air quality regulatory mechanism at the federal level is the CAA, and in particular, the 1990 amendments to the CAA and the National Ambient Air Quality Standards that the CAA established. These standards identify the maximum ambient concentrations of criteria pollutants that are considered to be safe, with an adequate margin of safety, to protect public health and welfare. The criteria pollutants include ozone, CO, NO_2 (which is a form of NO_X), SO_2 (which is a form of SO_X), PM_{10}, $PM_{2.5}$, and lead.

The CAA also requires each state to prepare an air quality control plan, referred to as a state implementation plan (SIP). The CAA Amendments of 1990 (CAAA) added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies. USEPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and to determine whether implementing the SIPs will achieve air quality goals. If USEPA determines a SIP to be inadequate, a federal implementation plan that imposes additional control measures may be prepared for the nonattainment area. If an approvable SIP is not submitted or implemented within the mandated time frame, sanctions may be applied to transportation funding and stationary sources of air pollution in the air basin.

The USEPA also has regulatory and enforcement jurisdiction over emission sources beyond state waters (outer continental shelf), and those that are under the exclusive authority of the Federal government, such as aircraft, locomotives, and interstate trucking. USEPA's primary role at the state level is to oversee state air quality programs. USEPA sets federal vehicle and stationary source emissions standards and provides research and guidance for air pollution programs.

The federal CAA does not specifically regulate GHG emissions. Although the U.S. Supreme Court has determined that GHGs are pollutants that can be regulated under the federal CAA, there are no federal regulations that set ambient air quality standards for GHGs.

3.1.3.1.2 Hazardous Air Pollutants

The EPA identifies and regulates HAPs. The first National Emission Standards for Hazardous Air Pollutants (NESHAPs) were originally required by the CAA in 1970, which were developed for sources and source categories of HAPs that were determined to pose adverse risk to human health. The EPA Administrator was directed to set risk-based NESHAPs at a level that provided an ample margin of safety to protect the public from HAPs. Subsequently, in §112(d) of the 1990 CAAA, Congress directed EPA to develop technology-based standards to further regulate HAPs. Instead of a risk-based standard, the technology-based NESHAPS were established according to Maximum Achievable Control Technology (MACT) requirements. The MACT NESHAP standards were different for major sources of HAPs than for area sources. Major sources are stationary sources with potential to emit more than 10 tons per year (tpy) of a single HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. §112(f) of the 1990 CAAA also specified that EPA determine whether or not to promulgate additional NESHAP standards beyond the MACT within 8 years after they were issued, (but within 9 years after promulgation of the 2-year MACT source categories). Thus, EPA is required to evaluate the NESHAPs developed according to the MACT standards for any "residual risk" within 8 years of issuance. If the "residual risk" for a source category does not protect public health with "an ample margin of safety", then EPA must promulgate health-based standards for that source category to further reduce HAP emissions.

The CAAA also required the EPA to promulgate vehicle or fuel standards containing reasonable requirements to control toxic emissions of, at a minimum, benzene and formaldehyde. Performance criteria were established to limit mobile source emissions of toxics, including benzene; formaldehyde; and 1, 3-butadiene. In addition, CAAA §219 required that reformulated gasoline be used in those areas with the most severe ozone nonattainment conditions to further reduce mobile source emissions. Mobile source trips associated with the proposed project would be required to comply with these regulations.

The potential gas-to-energy microturbine and decarbornator for pH control stationary source of emissions that could contain HAPs. The microturbine and decarbornator would need to meet SCAQMD requirements that would result in the control of HAP emissions to a level that would result in minimal risk to the environment.

3.1.3.2 State

3.1.3.2.1 California Air Resources Board

CARB, a department of the California Environmental Protection Agency (Cal/EPA), oversees air quality planning and control throughout California by administering the SIP. Its primary responsibilities are to ensure implementation of the 1989 amendments to the California Clean Air Act (CCAA), respond to the federal CAA requirements, and regulate emissions from motor vehicles and consumer products sold in California. It also sets fuel specifications to further reduce vehicular emissions.

The amendments to the CCAA establish California Ambient Air Quality Standards (CAAQS) and mandate the achievement of these standards by the earliest practical date. These standards apply

to the same criteria pollutants as the federal CAA but also include sulfates, visibility reducing particulates, hydrogen sulfide and vinyl chloride. They are also generally more stringent than the federal standards.

CARB is also responsible for regulations pertaining to TACs. The Air Toxics "Hot Spots" Information and Assessment Act was enacted in 1987 as a means to establish a formal air toxics emission inventory risk quantification program. Assembly Bill (AB) 2588, as amended, establishes a process that requires stationary sources to report the type and quantities of certain substances they routinely release. Each air pollution control district ranks the reporting facilities into high, intermediate, and low priority categories. The potency, toxicity, quantity, volume, and proximity of the facility to receptors are considered when developing the ranking.

3.1.3.2.2 Assembly Bill 1493

In 2002, Assembly Bill (AB) 1493 was enacted. AB 1493 requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the state."

In 2004, in order to meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) adding GHG emissions standards to California's existing standards for motor vehicle emissions. In response to updated GHG emissions standards for passenger cars, light duty trucks, and medium duty passenger vehicles issued by the EPA and the Department of Transportation's National Highway Safety Administration (NHTSA), CARB has recently adopted amendments to California's GHG emissions standards for new passenger vehicle models from 2009 through 2016. All mobile sources, including trips generated by the proposed project, would be required to comply with these regulations as they are phased in.

3.1.3.2.3 Executive Order S-03-05

Executive Order S-03-05 was issued in 2005 and asserts that California is vulnerable to the impacts of climate change. The order declares that increased temperatures could reduce the Sierra Mountain snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. In order to combat those concerns, the order established total GHG emission targets. Specifically, emissions were to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

Executive Order S-03-05 directed the Secretary of the Cal/EPA to coordinate a multi-agency effort to reduce GHG emissions to the target levels. In order to comply with Executive Order S-03-05, the Secretary created the California Climate Action Team (CAT). CAT released its first report in March 2006, which proposed to achieve the targets by building on voluntary actions of California businesses, local government, and community actions, as well as through state incentive and regulatory programs.

3.1.3.2.4 Assembly Bill 32

In September 2006, California enacted the Global Warming Solutions Act (AB 32; California Health and Safety Code Division 25.5, §§38500-38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to

1990 levels by 2020. This reduction will be accomplished by enforcing a statewide cap on GHG emissions that was phased in starting in 2012. The cap is intended to apply to larger industrial sources, and the SCVSD facilities are not included in this program.

3.1.3.2.5 Executive Order S-1-07

Executive Order S-1-07, issued in 2007, proclaims that the transportation sector is the main source of GHG emissions in California and that it generates more than 40 percent of statewide emissions. This order establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least 10 percent by 2020. This order also directs CARB to determine whether this low carbon fuel standard (LCFS) can be adopted as a discrete early-action measure to meet the mandates of AB 32.

3.1.3.2.6 Senate Bill 97

SB 97, signed in August 2007 (Chapter 185, Statutes of 2007; PRC §21083.05 and §21097), acknowledges that climate change is a prominent environmental issue that requires analysis under CEQA. The bill directs the California Office of Planning and Research (OPR) to prepare, develop, and transmit to the California Natural Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA. Amendments to the CEQA Guidelines for GHG emissions became effective on March 18, 2010.

3.1.3.2.7 CEQA Guidelines Amendments

Amendments to the CEQA Guidelines (Amendments) to incorporate analysis of, and mitigation for, GHG emissions from projects subject to CEQA were prepared as required by SB 97. The Amendments include a new section (§15064.4) that specifically addresses the potential significance of GHG emissions. Section 15064.4 calls for a "good-faith effort to describe, calculate, or estimate" GHG emissions. That section also states that the analysis of the significance of any GHG impacts should include consideration of the extent to which the proposed project would: increase or reduce GHG emissions; exceed a locally applicable threshold of significance; and comply with "regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions." The Amendments also state that a project may be found to have a less than significant impact on GHG emissions if it complies with an adopted plan that includes specific measures to sufficiently reduce GHG emissions (§15064[h][3]). The CEQA Guidelines do not require or recommend a specific analytical methodology or provide quantitative criteria for determining the significance of GHG emissions.

The Amendments do not include any quantitative significance thresholds. The CEQA Guidelines afford the customary deference provided to lead agencies in their analyses and methodologies. OPR emphasizes the need for a consistent threshold to analyze projects, and the analyses should be based on the best available information. For example, if a lead agency determines that GHGs may be generated by a proposed project, the agency is responsible for assessing GHG emissions by type and source.

The Amendments also include a new subdivision, §15064.7(c), which clarifies that, in developing thresholds of significance, a lead agency may appropriately review thresholds developed by other public agencies or recommended by other experts as long as lead agency use of such thresholds is supported by substantial evidence.

In addition, the Amendments include a new section (§15183.5) that provides for tiering and streamlining the analysis of GHG emissions. Project-specific environmental documents may rely on an EIR that contains a programmatic analysis of GHG emissions in the region over a specified time period.

3.1.3.2.8 CARB Climate Change Scoping Plan

On December 11, 2008, CARB adopted its Scoping Plan, which functions as a "road map" of CARB's plans to achieve the GHG reductions in California required by AB 32 through subsequently enacted regulations (CARB 2008). The Scoping Plan, which was re-approved in August 2011, contains the main strategies California will implement to reduce CO_2e emissions to 1990 levels. A 16-percent reduction below the updated 2020 estimated business as usual (BAU) level of 507 million metric tons of CO_2 equivalents ($MMTCO_2e$) would be necessary to return to the 1990 levels by 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (i.e., transportation, electrical power, commercial, residential, industrial, etc.). CARB used a three-year average of emissions from 2002 to 2004 to forecast emissions out to 2020 for each sector. When CARB's Scoping Plan process began, 2004 was the most recent year for which actual data was available. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

As required by AB 32, the Climate Change Scoping Plan must be updated at least every five years to evaluate AB 32 policies to ensure that California is on track to meet the targets set out in the legislation. In October 2013, a draft Update to the initial Scoping Plan was developed by CARB in collaboration with the Climate Action Team. The draft Update builds upon the Scoping Plan with new strategies and expanded measures, and identifies opportunities to achieve GHG emission reductions through strategic planning and targeted program investments. The draft update to the Scoping Plan was presented to CARB's Board for discussion in February 2014, and CARB approved the first update to the AB 32 Scoping Plan in May 2014.

As part of the Scoping Plan Update approved in 2014, the emissions reductions required to meet the 2020 statewide GHG emissions limit were further adjusted. The primary reason for adjusting the 2020 reductions was the fact that the original Scoping Plan relied on the IPCC's 1996 Second Assessment Report to assign the GWP of GHGs. Recently, in accordance with the United Nations Framework Convention on Climate Change (UNFCCC), international climate agencies have agreed to begin using the scientifically- updated GWP values contained in the IPCC's Fourth Assessment Report (AR4) that was released in 2007. Because CARB has begun to transition to the use of the AR4 100-year GWPs in its climate change programs, CARB recalculated the Scoping Plan's 1990 GHG emissions level using the AR4 GWPs. As the recalculation resulted in 431 $MMTCO_2e$, the 2020 GHG emissions limit established in response to AB 32 is now slightly higher than the 427 $MMTCO_2e$ included the initial Scoping Plan. Considering that the proposed update also adjusted the 2020 BAU forecast of GHG emissions to 509 $MMTCO_2e$, a 15 percent reduction below the estimated BAU levels was determined to be necessary to return to 1990 levels by 2020 (CARB, 2014b).

3.1.3.3 Local

3.1.3.3.1 South Coast Air Quality Management District

The SCAQMD enforces the attainment and maintenance of air quality in the SCAB through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of the SCAQMD includes the preparation of plans for attainment of ambient air quality standards, the adoption and enforcement of rules and regulations concerning sources of air pollution, and the issuance of permits for stationary sources of air pollution. The SCAQMD also inspects stationary sources of air pollution and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by the CAA, CAAA, and CCAA.

As an interim method of determining significance under CEQA until statewide significance thresholds are established, the SCAQMD developed a tiered flowchart in 2008 containing GHG significance thresholds for industrial projects. In 2008, the SCAQMD adopted a 10,000 MT CO_2e per year significance threshold for industrial facilities, but only with respect to projects for which the SCAQMD is the lead agency. The SCAQMD had not adopted a threshold for residential or commercial projects at the time of this writing.

The SCAQMD flowchart uses a tiered approach in which a proposed project is deemed to have a less than significant impact related to GHG emissions when any of the following conditions are met:

- GHG emissions are within GHG budgets in an approved regional plan;
- Incremental increases in GHG emissions due to the proposed project are below the defined Significance Screening Levels or mitigated to less than the Significance Screening Levels;
- Performance standards are met by incorporating project design features and/or implementing emission reduction measures; or
- Carbon offsets are made to achieve the target significance screening level.

3.1.3.3.2 Toxic Air Contaminants

At the local level, air pollution control or management districts may adopt and enforce CARB control measures. Under SCAQMD Regulation XIV (Toxics and Other Non-Criteria Pollutants), and in particular Rule 1401 (New Source Review), all sources that possess the potential to emit TACs are required to obtain permits from SCAQMD. Permits may be granted to these operations if they are constructed and operated in accordance with applicable regulations, including new source review standards and air toxics control measures. SCAQMD limits emissions and public exposure to TACs through a number of programs. SCAQMD prioritizes TAC-emitting stationary sources based on the quantity and toxicity of the TAC emissions and the proximity of the facilities to sensitive receptors.

In May 2015 the SCAQMD completed the Multiple Air Toxics Exposure Study IV (MATES IV). MATES IV is a monitoring and evaluation study conducted in the SCAB and is a follow-up to previous air toxics studies, including the 2008 MATES III study. MATES IV consists of several elements including a monitoring program, an updated emissions inventory of toxic air contaminants, and a modeling effort to characterize risk across the SCAB. The study focuses on the carcinogenic risk from exposure to air toxics. However, the study does not estimate mortality

or other health effects from particulate exposures. MATES IV shows that in the immediate vicinity of the VWRP site, there is an estimated carcinogenic risk of up to 153 in a million. In the immediate vicinity of the SWRP site, the estimated carcinogenic risk is up to 144 in a million (SCAQMD, 2015)[1]. These model estimates were based on monitoring data collected at 10 fixed sites within the SCAB.

3.1.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

3.1.4.1 Thresholds of Significance

The criteria used to determine the significance of impacts related to air quality and GHG emissions are based on Appendix G of the CEQA Guidelines. The project would result in a significant impact if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations;
- Create objectionable odors affecting a substantial number of people;
- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The Initial Study (Appendix B) concludes that the modified compliance project would not result in potentially significant impacts for some of the Appendix G CEQA significance criteria. As a result, those issues are not evaluated further in this SEIR.

As stated in Appendix G of the CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations.

3.1.4.1.1 South Coast Air Quality Management District

The SCAQMD has established regional significance thresholds for daily mass emissions of criteria pollutants, as shown in Table 3.1-2.

[1] Modeling for carcinogenic risk within the SCAB within the project area is based on a 2 kilometer square grid system therefore the risk represents the risk over that 2 kilometer geographical area and does not specifically represent one location.

Table 3.1-2 SCAQMD Regional Air Quality Significance Thresholds

	Daily Mass Thresholds (lbs/day)	
Pollutant	**Construction**	**Operations**
Oxides of Nitrogen (NO_X)	100	55
Reactive Organic Gases (ROG)	75	55
Respirable Particulate Matter (PM_{10})	150	150
Fine Particulate Matter ($PM_{2.5}$)	55	55
Oxides of Sulfur (SO_X)	150	150
Carbon Monoxide (CO)	550	550
Lead[a]	3	3

lbs/day = pounds per day

[a] Because the proposed project would not involve any major lead emissions, lead emissions are not further analyzed.

Source: SCAQMD 2011.

The SCAQMD also recommends that any construction-related emissions from individual development projects that exceed the thresholds shown in Table 3.1-2 be considered cumulatively considerable.

In addition to regional significance thresholds, the SCAQMD has also developed localized significance thresholds (LSTs) that are based on the pounds of emissions per day that can be generated by a project without causing or contributing to adverse localized air quality impacts. It should be noted that while the SCAQMD has developed the LST methodology to assist lead agencies in analyzing localized air quality impacts from projects, this methodology is intended to serve as guidance and is considered to be voluntary. The localized thresholds, which are found in the mass rate look-up tables in the Final Localized Significance Threshold Methodology document prepared by SCAQMD, apply to projects that are less than or equal to 5 acres in size and are applicable to the following criteria pollutants: NO_X, CO, PM_{10}, and $PM_{2.5}$. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards, and are developed based on the ambient concentrations of that pollutant in a defined area called a Source Receptor Area (SRA). The analysis of localized air quality impacts focuses only on onsite activities of a project, and does not include emissions that are generated offsite such as from haul or delivery truck trips. For NO_X emissions, the two principal species of NO_X are nitric oxide (NO) and nitrogen dioxide (NO_2), with the vast majority (95 percent) of the NO_X emissions being comprised of NO. However, because adverse health effects are associated with NO_2, not NO, the analysis of localized air quality impacts associated with NO_X emissions is focused on NO_2 levels. When modeling NO_2 emissions from combustion sources, SCAQMD assumes that the conversion of NO to NO_2 is complete at a distance of 5,000 meters from the source.

Because the construction work for the proposed project at the VWRP would occur on approximately 2.5-acres of the site, SCAQMD's mass rate look-up tables for a two-acre site (the closest size to the proposed project) were used to determine whether emissions associated with the proposed project would result in localized air quality impacts. The construction emissions associated with the proposed project would be significant if they exceed the LSTs shown in Table 3.1-3 for SRA 13, which covers the Santa Clarita Valley area including the VWRP and SWRP. The localized emissions for construction activities at the SWRP facility would not change from those identified in the SCVSD Chloride Compliance Facilities Plan and EIR that was certified in October 2013 (Certified EIR). Therefore, localized emissions from SWRP are not discussed further in this analysis.

Table 3.1-3 SCAQMD Localized Significance Thresholds

Pollutant Monitored Within SRA 13 – Santa Clarita Valley Area	2-Acre Site				
	Allowable emissions (lbs/day) as a function of receptor distance (feet) from site boundary				
	82 (ft)	164 (ft)	328 (ft)	656 (ft)	1,640 (ft)
Construction Thresholds					
Nitrogen Oxides (NO_X) [a]	163	159	172	204	291
Carbon Monoxide (CO)	877	1,256	1,787	3,108	8,933
Respirable Particulate Matter (PM_{10})	6	19	32	59	139
Fine Particulate Matter ($PM_{2.5}$)	4	5	9	20	80
Operational Thresholds					
Nitrogen Oxides (NO_X) [a]	163	159	172	204	291
Carbon Monoxide (CO)	877	1,256	1,787	3,108	8,933
Respirable Particulate Matter (PM_{10})	2	5	8	15	34
Fine Particulate Matter ($PM_{2.5}$)	1	2	2	5	20

[a] The localized thresholds listed for NO_X in this table take into consideration the gradual conversion of NO to NO_2. The analysis of localized air quality impacts associated with NO_X emissions focuses on NO_2 levels as they are associated with adverse health effects.

Source: SCAQMD 2009.

3.1.4.2 Methodology

The proposed project modification is part of the chloride compliance project that was analyzed in the Certified EIR. As a result, the potential air quality impacts of the proposed project modification cannot be looked at as a single project but rather a piece of a larger project. The following analysis uses air quality modeling prepared for the modified compliance project and presented in Appendix C.

3.1.4.2.1 Air Quality Methodology

Regional Construction Impacts. Short-term construction-generated emissions of criteria air pollutants and ozone precursors were assessed in accordance with methods recommended by the SCAQMD. Where quantification is required, regional daily emissions were modeled using the California Emissions Estimator Model (CalEEMod), Version 2013.2.2, as recommended by the SCAQMD. CalEEMod was used to determine whether regional short-term construction-related emissions of criteria air pollutants associated with the project would exceed applicable thresholds. Modeling was based on project-specific data, when available. Where project-specific information was not available, reasonable assumptions and default settings were used to estimate criteria air pollutant and ozone precursor emissions. The project's predicted short-term construction-generated emissions were evaluated against SCAQMD's regional thresholds to determine significance. This air quality analysis assumes concurrent construction of the following components: UV disinfection at VWRP; UV disinfection at SWRP; advanced treatment facilities; brine concentration facilities; and the truck loading facility. Construction of these components will not begin until 2017 and is expected to occur through 2019. To be conservative, the most highly emitting construction phase for each project component was assumed to be concurrent. To be even more conservative, emissions were projected assuming a fleet of construction equipment compliant with 2016 regulations. Because regulatory standards for equipment become more

stringent over time, the project's actual emissions during 2017 through 2019 are likely to be less than projected.

The potential renewable energy facilities would be constructed after these facilities and would require significantly less construction equipment and earthwork than the other project components. Consequently, construction of the renewable energy facilities would have a lower daily impact than other project components and separate reporting for construction emissions from the renewable energy facilities is not needed to reach a conclusion for construction impacts from the overall proposed project.

Regional Operational Impacts. Operational sources of criteria pollutant emissions include a stationary source (potential gas-to-energy microturbine), and mobile sources (worker commute and chemical deliveries to the site). Emissions for these sources were estimated using project-specific data and recommended methodologies from the SCAQMD. Direct emissions for the proposed project would result from up to ten brine truckloads per day traveling a round trip of 106 miles. The modified compliance project would not require any new, full time employees at the SWRP to operate the UV disinfection facilities. The new VWRP facilities would require approximately 13 new employees and less than one additional chemical delivery per day. Onsite operations may include the operation of an 800kW (1,073 bhp) microturbine running 24 hours per day, 7 days per week. The microturbine would be fueled with digester gas pretreated to reduce H_2S concentration from 25 ppm to less than 10 ppm. During combustion in the microturbine, H_2S remaining after pretreatment would be converted to SO_2. Projected microturbine emissions are identified in Table 3.1-4.

Table 3.1-4 Microturbine Emissions

Emission Factors (lbs/hr)					
ROG	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
0.96	0.24	1.61	0.02	0.02	0.02

Source: SCVSD 2015.

Localized Construction Impacts. To determine whether or not construction activities associated with the proposed project would create significant adverse localized air quality impacts on nearby sensitive receptors, the project's onsite construction emissions were analyzed according to the SCAQMD's LST methodology.[2] The LSTs developed by the SCAQMD are based on the pounds of emissions per day that can be generated by a project without causing or contributing to adverse localized air quality impacts.

For the purpose of analyzing localized air quality impacts, SCAQMD has developed LSTs for the following project site sizes: one-acre, two-acre, and five-acres. The LSTs established for each of the aforementioned site acreages represent the amount of pollutant emissions that would not exceed the most stringent applicable federal or state ambient air quality standards. As the construction activities associated with the proposed project would involve the disturbance of an area that is approximately 2.5 acres in size, the LSTs for a two-acre site are applied to the project's onsite construction emissions to determine whether any air quality impacts would result for nearby sensitive receptors. In conducting the localized air quality analysis, which focuses

[2] As discussed previously, the analysis of localized air quality impacts focuses only on a project's onsite -related emissions and does not include emissions generated offsite such as those from worker commutes, brine trucks or chemical deliveries.

only on onsite construction activity emissions, a separate CalEEMod model run was conducted where the on-road emissions generated from worker, delivery truck, and haul truck trips were modified to capture only those vehicle trip emissions generated from travel within the 2.5-acre site. Additionally, all fugitive dust emissions generated from grading, excavation, and stockpiling soil were calculated outside of CalEEMod using USEPA's AP-42 calculation equations. Overall, the daily total onsite combustion, mobile, and fugitive dust emissions associated with construction of the proposed project were combined and evaluated against SCAQMD's LSTs for a two-acre site (refer to Table 3.1-3). As mentioned above, the potential renewable energy facilities would not be constructed concurrently with the other project components and would involve much less construction equipment and earthwork. Consequently, construction of the renewable energy facilities would have a lower daily impact than other project components and separate reporting for construction of the renewable energy facilities is not needed to reach a conclusion for localized construction impacts from the overall proposed project. The LSTs for construction activities at the SWRP facility would not change from those identified in the Certified EIR and are not discussed further in this analysis.

Localized Operational Impacts. Operational sources of local criteria pollutant emissions include a stationary source (potential gas-to-energy microturbine). Emissions for this source were estimated using project-specific data and recommended methodologies from the SCAQMD. The modified compliance project would not require any new, full time employees at the SWRP to operate the UV disinfection facilities. The new VWRP facilities would require approximately 13 new employees and less than one additional chemical delivery per day. Onsite operations may include the operation of an 800kW (1,073 bhp) microturbine running 24 hours per day, 7 days per week. The microturbine would be fueled with digester gas pretreated to reduce H_2S concentration from 25 ppm to less than 10 ppm. During combustion in the microturbine, H_2S remaining after pretreatment would be converted to SO_2. See Table 3.1-4 for the projected microturbine emissions.

3.1.4.2.2 Greenhouse Gas Methodology

This section describes the methodologies and assumptions used to identify and analyze the proposed project's GHG emissions. The GHG emissions associated with the proposed project are analyzed on a cumulative basis.

The SCAQMD has not formally adopted a significance threshold for GHG emissions generated by a proposed project for which the SCAQMD is not the lead agency, nor has it adopted a uniform methodology for analyzing impacts related to GHG emissions on global climate change. In the absence of any industry-wide accepted standards, the SCAQMD's significance threshold of 10,000 metric tons per year (MT/year) CO_2e for projects in which it is the lead agency is the most relevant air district-adopted GHG significance threshold and is used as a benchmark for this project. It should be noted that the SCAQMD's significance threshold of 10,000 MT/year CO_2e for industrial projects is intended for long-term operational GHG emissions. The SCAQMD has developed guidance for determining the significance of GHG construction emissions that recommends that total emissions from construction be amortized over 30 years, added to operational emissions, and then compared to the threshold (SCAQMD 2008). Construction-related GHG emissions were estimated using a similar methodology to that described for criteria air pollutants in Section 10 of the Certified EIR. The SCAQMD recommends the use of CalEEMod for estimating construction and operational emissions associated with land use projects. CalEEMod estimates the emissions of CO_2, CH_4, and N_2O associated with construction-related GHG sources such as off-road construction equipment, material delivery trucks, soil haul

trucks, and construction worker vehicles. The GHG analysis uses the same equipment assumptions as the air quality analysis.

Aside from the GHG emissions that would be generated from the heavy-duty construction equipment at the proposed project site, additional GHG emissions would also be "embodied" in the materials selected for construction, and the level of embodied GHG emissions can vary substantially according to which materials are selected. These embodied emissions are sometimes referred to as "lifecycle emissions". The California Natural Resources Agency (CNRA) has stated that lifecycle analyses are not required under CEQA, and, in December 2009, CNRA issued new energy conservation guidelines for EIRs that make no reference to lifecycle emission. The CNRA explained that (1) there is no standard regulatory definition for lifecycle emissions, and (2) even if a standard definition existed, the term might be interpreted to refer to emissions "beyond those that could be considered "indirect effects" as defined by the CEQA Guidelines and, therefore, beyond what an EIR is required to estimate." Consequently, this SEIR does not address lifecycle emissions.

Operational emissions of GHGs, including those generated by direct and indirect sources, are estimated using recommended methodologies from the SCAQMD. Direct sources include emissions such as vehicle trips and emissions from the potential gas-to-energy microturbine. Indirect sources include offsite emissions from the proposed project's operations, such as electricity consumption. Under the proposed project, direct emissions would result from the exhaust of up to ten brine truckloads per day travelling 106 miles round trip. The modified compliance project would not require any new, full time employees at the SWRP to operate the UV disinfection facilities. The new VWRP facilities would require approximately 13 new employees and less than one additional chemical delivery per day. Onsite operations may also include the operation of an 800 kW (1,073 bhp) microturbine.

In addition to evaluating the proposed project's GHG impact quantitatively, significance is also assessed qualitatively by determining whether the proposed project is consistent with or obstructs the Recommended Actions identified by CARB's Scoping Plan.

3.1.4.3 Impact Analysis

3.1.4.3.1 Air Quality Management Plan

Impact 3.1-1: The proposed project could conflict with or obstruct implementation of the applicable air quality plan.

In preparation of the AQMP, SCAQMD and SCAG utilized land use designations contained in general plan documents to forecast, inventory, and allocate regional emissions from land use and development-related sources. For purposes of analyzing consistency with the AQMP, if a project would have development density and vehicle trip generation substantially greater than anticipated in the general plan, then the project would conflict with the AQMP. On the other hand, if a project's development density (and associated trip generation) is consistent with the general plan, its emissions would be consistent with the assumptions in the AQMP and, consequently, the project would not conflict with the emissions projections on which the AQMP is based.

As discussed in the Certified EIR, the main objective of the chloride compliance project is to meet the requirements of the Upper Santa Clara River Chloride Total Maximum Daily Load (Chloride TMDL). Based on the analysis in the Certified EIR, it was determined that, because the chloride compliance project would not introduce additional population density or a new land

use that would attract excessive vehicle trips to the proposed project area, it would not result in a conflict with any applicable land use plan, policy, or regulation. As a result, the chloride compliance project would not exceed any of the growth assumptions that have been anticipated in SCAQMD's AQMP. Changing the approach to brine management or implementing the potential renewable energy facilities would not change that conclusion. Therefore, the modified compliance project would not conflict with the AQMP, and the impact would be less than significant.

Impact Summary

Construction and operation of the modified compliance project would not conflict with or obstruct implementation of SCAQMD's AQMP. The construction and operational impact would be less than significant.

New Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant Impact.

3.1.4.3.2 Air Quality Standards

Impact 3.1-2: The proposed project could violate air quality standards or contribute substantially to an existing or projected air quality violation.

Table 3.1-5 shows the projected maximum construction emissions for the modified compliance project and indicates that, without mitigation, the project would result in a significant impact for NOx. However, with implementation of Mitigation Measure AQ-1 from the Certified EIR, which requires that all construction equipment meet Tier 3 engine certification requirements to the extent practicable (see Section 1.5.1 for full description), the emissions from the modified compliance project would be less than the significance thresholds as shown in Table 3.1-6. Therefore, no new mitigation is required. As mentioned above, the potential renewable energy facilities would not be constructed concurrently with the other project components and would involve much less construction equipment and earthwork. Consequently, construction of the renewable energy facilities would have a lower daily impact than other project components and separate reporting of construction emissions for the renewable energy facilities is unnecessary to reach a conclusion for the overall proposed project. Modeling information is contained in Appendix C.

Table 3.1-5 Regional Unmitigated Peak Daily Construction Emissions

	Estimated Maximum Daily Emissions (lbs/day)					
	ROG	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
UV-SWRP	5.2	36	22	0.06	2.2	1.8
UV-VWRP	5.2	36	22	0.06	2.2	1.8
Advanced Treatment/ Brine Concentration/ Truck Loading	3.5	34	21	0.05	1.9	1.6
Project Total[1]	**13.9**	**108**	**65**	**0.17**	**6.3**	**5.2**
Solar at VWRP	3.3	35	21	0.03	3.8	2.6
Microtubine at VWRP	1.4	9	8	0.01	0.8	0.7
Regional Significance Threshold	75	100	550	150	150	55
Significant Impact?	No	**Yes**	No	No	No	No

Note: Calculations assume compliance with SCAQMD Rule 403.

1. Solar and Microturbine are not included in total because these components would be constructed at a different time and therefore would not contribute to the maximum day emissions.

Source: ESA 2013, ESA 2015.

Table 3.1-6 Regional Mitigated Peak Daily Construction Emissions

	Estimated Maximum Daily Emissions (lbs/day)					
	ROG	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
UV-SWRP	5.2	29	22	0.06	2.2	1.8
UV-VWRP	5.2	29	22	0.06	2.2	1.8
Advanced Treatment/ Brine Concentration/ Truck Loading	3.7	20	21	0.05	2.4	2.0
Project Total[1]	**14.1**	**78**	**65**	**0.17**	**6.8**	**5.6**
Solar at VWRP	3.3	22	21	0.03	3.8	2.6
Microtubines at VWRP	1.4	6	8	0.01	0.8	0.7
Regional Significance Threshold	75	100	550	150	150	55
Significant Impact?	No	No	No	No	No	No

Note: Calculations assume compliance with SCAQMD Rule 403.

1. Solar and microturbine are not included in total because these components would be constructed at a different time and therefore would not contribute to the maximum day emissions.

Source: ESA 2013, ESA 2015.

As mentioned in Section 3.1.4.2.1, the modified compliance project would have operational emissions from the following sources: brine trucking, worker commutes, chemical deliveries, and the potential gas-to-energy microturbine. As shown in Table 3.1-7, operational emissions of all criteria pollutants would be below the regulatory thresholds and therefore operational impacts would be less than significant.

Table 3.1-7 Regional Peak Daily Operational Emissions

	Estimated Maximum Daily Emissions (lbs/day)					
	ROG	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Microturbine	23.0	6	39	0.48	0.5	0.5
Brine Trucks	0.6	13	3	0.04	0.2	0.2
Worker Commutes/ Chemical Deliveries	0.04	0.2	1.2	0.004	0.004	0.003
Project Total	**23.6**	**19.2**	**43.2**	**0.52**	**0.7**	**0.7**
Regional Significance Threshold	55	55	550	150	150	55
Significant Impact?	No	No	No	No	No	No

Source: ESA 2015.

Impact Summary

With implementation of Mitigation Measure AQ-1 from the Certified EIR, construction of the modified compliance project would result in a less than significant impact. Operation of the modified compliance project would generate criteria pollutants but not to a level that would exceed regulatory thresholds. The operational impact would also be less than significant.

New Mitigation Measures: None Required.

Significance Level After Mitigation: Less than Significant.

3.1.4.3.3 Cumulative Increase of Criteria Pollutants

Impact 3.1-3: The proposed project could result in a cumulatively considerable net increase of criteria pollutants for which the project region is classified as non-attainment under applicable federal or state ambient air quality standards.

According to the SCAQMD, cumulative air quality impacts for criteria pollutants associated with construction and operational activities are determined by whether a project would result in a significant project-level impact to regional air quality based on SCAQMD significance thresholds. Therefore, project-related construction and operational emissions that exceed SCAQMD recommended daily thresholds would cause a cumulatively considerable increase in emissions. With mitigation, construction of the modified compliance project would result in a less than significant impact as shown in Table 3.1-6. Since the thresholds in Table 3.1-6 are regional and would not be exceeded, the modified compliance project would not contribute to a cumulatively considerable impact during construction.

Operation of the modified compliance project would emit criteria pollutants below the regional significance threshold as shown in Table 3.1-7. Therefore, operation of the modified compliance project would not contribute to a cumulatively considerable impact during operations.

The modified compliance project would be consistent with SCAQMD's AQMP. Operational emissions associated with the modified compliance project would be well below SCAQMD's thresholds of significance. The modified compliance project, including the potential renewable energy facilities, would not conflict with SCAQMD's air quality planning efforts for non-attainment pollutants. Impact would be less than significant.

Impact Summary

With implementation of Mitigation Measure AQ-1 from the Certified EIR, construction of the modified compliance project would not result in a cumulatively considerable increase of criteria pollutants. Operation of the modified compliance project would not result in cumulatively considerable impacts.

New Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant.

3.1.4.3.4 Exposure of Sensitive Receptors to Pollutant Concentrations

Impact 3.1-4: The proposed project could expose sensitive receptors to substantial pollutant concentrations.

For the modified compliance project, the nearest sensitive receptors are located approximately 4,000 feet southeast of the VWRP. The SCAQMD's Mass Rate LST Look-up Tables (Table 3.1-3) provide a set of LSTs for receptor distances between 656 and 1,640 feet. Since the receptors are greater than 1,640 feet from the site, the LSTs analysis conservatively uses the thresholds associated with the 1,640 foot distance. As discussed previously, localized emissions from the SWRP must be considered separately due to the different location. These emissions would not change from those identified in Section 10.4.2.4 of the Certified EIR and therefore are not repeated herein.

Table 3.1-8 shows the localized construction emissions associated with the modified compliance project and indicates that emissions would not exceed the regulatory thresholds for LSTs. Therefore, construction of the modified compliance project would result in a less than significant local air quality impact.

Table 3.1-8 Localized Construction Emissions

	Estimated Maximum Daily Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
UV-VWRP	18	36	1.6	1.4
Advanced Treatment/ Brine Concentration/ Truck Loading	19	21	2.2	1.9
Project Total	**37**	**55**	**3.5**	**3.0**
Significance Threshold	291	8,933	139	80
Significant Impact?	No	No	No	No

Source: ESA 2015.

As mentioned in Section 3.1.4.2.1, the modified compliance project would have localized operational emissions from the potential gas-to-energy microturbine. As with construction emissions, operational emissions were compared to the LSTs for a receptor distance of 1,640 feet and a two-acre site. As shown in Table 3.1-9, localized operational emissions would not exceed the LSTs. Therefore, operation of the modified compliance project would result in a less than significant local air quality impact.

Table 3.1-9 Localized Operational Emissions

	Estimated Maximum Daily Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Microturbine	6	39	0.5	0.5
Project Total	**6**	**39**	**0.5**	**0.5**
Significance Threshold	291	8,933	34	20
Significant Impact?	No	No	No	No

Source: ESA 2015.

Emissions from the potential gas-to-energy microturbine were estimated based on experience with previously permitted devices operating on landfill gas and POTW digester gas. Source tests from these earlier devices showed that the microturbine exhaust would contain trace amounts of compounds classified as HAPs. Using a conservative estimation of the projected HAP emissions, the projected microturbine emissions were screened for health risk using the latest risk assessment methodology approved by OEHHA and adopted by the SCAQMD for their new source review Rule 1401 (SCAQMD, July 2015). This analysis showed that even the conservative emissions estimate would be below the Tier 1 screening risk levels, confirming that the microturbine would result in minimal health risk.

The advanced treatment facilities may include a decarbonator for pH control. This equipment could cause trace amounts of volatile compounds in the water to transfer into the air vented from the decarbonator and thereby produce trace amounts of HAPs. Using a conservative estimate of the potential HAP emissions, the projected decarbonator emissions were screened for health risk

using the latest risk assessment methodology approved by OEHHA and adopted by the SCAQMD for their new source review Rule 1401 (SCAQMD, July 2015). This analysis showed that even the conservative emissions estimate would be below the Tier 2 screening risk level, confirming that the decarbonator would result in minimal health risk.

Nonetheless, if either the microturbine or the decarbonator is implemented, an application would be submitted to the SCAQMD for their approval. This application would include an estimate of the HAP emissions and any required risk analysis. Once the permit is approved, it is common practice by SCAQMD to require a source test to verify the emissions information submitted with the permit application.

Therefore, the impact of the potential HAP emissions from the potential microturbine and decarbonator would be less than significant.

Impact Summary

Construction of the modified compliance project would not exceed localized thresholds for criteria pollutants and would thus result in a less than significant impact. Operation of the modified compliance project would not exceed localized thresholds for criteria pollutants and would also result in a less than significant impact.

New Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant Impact.

3.1.4.3.5 GHG Emissions

Impact 3.1-5: The proposed project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

GHG emissions would be generated during construction and operation of the modified compliance project. For construction, this analysis accounts for GHG emissions generated from the exhaust of construction equipment, haul trucks, and worker commutes to the construction sites.

Operation of the modified compliance project would generate GHG emissions from both direct and indirect sources. Direct sources include emissions such as vehicle trips and emissions from the decarbonator portion of the brine minimization facilities and the potential gas-to-energy microturbine. Indirect sources include offsite emissions from the proposed project's operations, such as electricity consumption from SCE's regional power distribution grid. Under the proposed project, direct emissions would result from the exhaust of up to ten brine truckloads per day traveling 106 miles round trip. The modified compliance project would not require any new, full time employees at the SWRP to operate the UV disinfection facilities. The new VWRP facilities would require approximately 13 new employees and less than one additional chemical delivery per day. Onsite operations may also include the operation of an 800 kW (1,073 bhp) microturbine.

Without implementation of the potential renewable energy facilities, total GHG emissions from the modified compliance project would be 5,290 MT/year of CO_2e as shown in Table 3.1-10. The estimated GHG emissions from construction would be 611 MT of CO_2e (20 MT/year of CO_2e when amortized over 30 years) while the operational emissions would be 5,270 MT/year of CO_2e. With implementation of the renewable energy facilities, total GHG emissions would be

3,332 MT/year of CO_2e as shown in Table 3.1-11. The estimated GHG emissions from construction would be 698 MT/year of CO_2e (23 MT/year when amortized over 30 years) while the operational emissions would be 3,309 MT/year of CO_2e (accounting for a deduction based emissions offset by the renewable energy facilities). Emissions in both scenarios are well under the 10,000 $MMTCO_2e$/year significance threshold. Therefore, construction and operation of the modified compliance project would result in a less than significant impact on GHG emissions.

Table 3.1-10 Project GHG Emissions without Renewable Energy Facilities

Emission Source	CO_2e (MT/yr)	Percent of Total Emissions
Construction		
Total	611 MT	
Amortized Over 30 Years	20 MT/year	0.4%
Operations		
Energy Production to Power the Project	3,073 MT/year	
Decarbonator	1,500 MT/year	
Brine Trucking	618 MT/year	
Worker Commutes/Chemical Deliveries	79 MT/year	
Sub-Total	5,270 MT/year	99.6%
PROJECT TOTAL	**5,290 MT/year**	
Significance Threshold	**10,000 MT/year**	
Significant Impact?	No	

Note: See Appendix C for GHG calculations.
CO_2e = carbon dioxide equivalent
MT/year = metric tons per year;
Columns may not add directly due to rounding
Source: ESA 2015.

Table 3.1-11 Project GHG Emissions with Renewable Energy Facilities

Emission Source	CO_2e	Percent of Total Emissions
Construction		
Total	698 MT	
Amortized Over 30 Years	23 MT/year	0.5%
Operations		
Energy Production to Power the Project	3,073 MT/year	
Decarbonator	1,500 MT/year	
Brine Trucking	618 MT/year	
Worker Commutes/Chemical Deliveries	79 MT/year	
Sub-Total	5,270 MT/year	99.5%
Renewable Energy Offset (deduct)	1,961 MT/year	41% (Offset)
PROJECT TOTAL	**3,332 MT/year**	
Significance Threshold	**10,000 MT/year**	
Significant Impact?	No	

Note: See Appendix C for GHG calculations.
CO_2e = carbon dioxide equivalent
MT/year = metric tons per year;
Columns may not add directly due to rounding
Source: ESA 2015.

Impact Summary

Construction and operation of the modified compliance project would not generate greenhouse gas emissions, either directly or indirectly, that would exceed the significance threshold. The construction and operational impact would be less than significant.

New Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant Impact.

3.1.4.3.6 Applicable Plan, Policy, or Regulation

Impact 3.1-6: The proposed project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The modified compliance project's facilities would not conflict with the CARB Scoping Plan recommended actions listed in Table 15-1 of the Certified EIR—in particular, water-associated measures W-1 through W-4, and E-3.

W-1: Water Use Efficiency

The modified compliance project would lower chloride levels in the treated water being discharged into the Santa Clara River (SCR), would not create a new or substantial increase in water demand, and would not conflict with this measure.

W-2: Water Recycling

The modified compliance project would provide advanced treatment to a portion of the tertiary-treated water from the VWRP to lower the chloride level in the water discharged to the SCR. By improving the water quality discharged to the SCR, the modified compliance project would improve the quality of the SCR water and support the beneficial uses of this water. In addition, by reducing the volume of brine disposed, the brine concentration facilities would maximize the availability of high quality, recycled water available to the community. The advanced treatment facilities could also be used to supply desalinated water to water reuse projects when not being used for chloride compliance. Thus, the modified compliance project would be consistent with this measure.

W-3: Water System Energy Efficiency

The modified compliance project would install energy-efficient equipment (e.g., pumps and motors) to the maximum extent practicable to minimize the project's energy consumption. The modified compliance project would require limited construction of new energy infrastructure (a new electrical feed from existing overhead lines in the street adjacent to the VWRP). Operational activities would comply with applicable energy efficiency policies and standards. Therefore, the modified compliance project would be consistent with this measure.

W-4: Reuse Urban Runoff

The modified compliance project would not generate urban runoff. The modified compliance project would provide advanced treatment to a portion of the tertiary-treated water from the VWRP that would eventually be discharged into the SCR. Such discharge will support aquatic species and habitat, recharge the underlying groundwater basin, and provide a water supply for

agricultural irrigation. The initial storm runoff onsite would be captured and routed through the treatment plant providing clean discharge to the river. Therefore, the modified compliance project would be consistent with this measure.

E-3: Renewables Portfolio Standard

The modified compliance project may include facilities to produce power using renewable energy. If implemented, such facilities would offset a portion of the energy consumption from the local SCE grid and reduce overall emissions in the region. In so doing, the project would further the goals of the CARB Scoping Plan beyond what was anticipated within the Certified EIR.

Impact Summary

Construction and operation of the modified compliance project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The construction and operational impact would be less than significant.

New Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant Impact.

3.2
ENERGY RESOURCES

3.2.1 INTRODUCTION

This section addresses the potential energy impacts from implementation of the chloride compliance project as revised by the proposed project modification described in Section 2 (modified compliance project or project). The section includes a description of the environmental setting to establish baseline conditions for energy resources and services provided to the SCVSD; a summary of the regulations related to energy resources; and an evaluation of the proposed project's potential effects on energy consumption, new energy supplies, and energy efficiency policies.

3.2.2 ENVIRONMENTAL SETTING

Southern California Edison (SCE) provides energy services to the Santa Clarita Valley (SCV), including SCVSD facilities, through six distribution facilities. SCE produces electricity from different sources, including solar, geothermal, hydroelectric, and natural gas.

The Valencia Water Reclamation Plant (VWRP) uses electricity to operate equipment and facilities including pumps, sludge collection equipment, filter presses, and compressors. The VWRP electrical demand was approximately 19 gigawatt-hours (GWh) during 2013 and 2014. The SWRP electrical demand was approximately 4.5 GWh during 2013 and 2014.

3.2.3 REGULATORY BACKGROUND

3.2.3.1 California Energy Action Plan II Update

The California Energy Action Plan II Update (Plan) is the state's principal energy planning and policy document (California Energy Commission 2005, 2008). The Plan identifies state-wide energy goals; describes a coordinated implementation Plan for state energy policies; and identifies specific action areas to ensure that California's energy supplies are adequate to meet demand, affordable, technologically advanced, and environmentally sound. In accordance with this Plan, the highest priority actions to address California's increasing energy demands are energy efficiency and demand response (i.e., reduction of customer energy usage during peak periods to address system reliability and support the best use of energy infrastructure). Additional priorities include the increased use of renewable power sources and distributed generation (i.e., relatively small power plants at or near centers of high demand). To the extent

that these actions are unable to satisfy the increasing energy and capacity needs, the Plan supports clean and efficient energy generation using fossil fuels.

In 2002, California established its Renewable Portfolio Standard with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent by 2017. The Renewable Portfolio Standard is a flexible, market-driven policy designed to ensure that the public benefits of wind, solar, biomass, and geothermal energy continue to be realized as electricity markets become more competitive. The policy ensures that a minimum amount of renewable energy is included in the portfolio of electricity resources serving California. By increasing the required minimum amount of renewable energy used over time, the Renewable Portfolio Standard puts the electricity industry on a path toward increasing sustainability. The California Energy Commission subsequently recommended increasing the renewable energy goal to 33 percent by 2020. Because much of the growth in electricity demand is expected to be met by increases in natural gas-fired generation, reducing consumption of electricity and diversifying electricity generation resources are significant plan elements to reduce natural gas demand.

3.2.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

3.2.4.1 Thresholds of Significance

The criteria used to determine the significance of impacts related to energy resources are based on Appendix F of the CEQA Guidelines. The proposed project would result in a significant impact if it would result in any of the following:

- Cause a substantial increase in overall or per capita energy consumption;
- Cause wasteful or unnecessary consumption of energy;
- Require construction of new sources of energy supplies or additional energy infrastructure capacity, the construction of which could cause significant environmental effects; or
- Conflict with applicable energy efficiency policies or standards.

3.2.4.2 Impact Analysis

3.2.4.2.1 Energy Consumption and Efficiency

The thresholds of significance for energy resources have been combined into one impact statement.

Impact 3.2-1: The proposed project could cause a substantial increase in overall or per capita energy consumption, cause wasteful or unnecessary consumption of energy, require construction of new sources of energy supplies or additional energy infrastructure capacity, or conflict with applicable energy efficiency policies or standards.

VWRP and SWRP Facilities, and Brine Trucking and Disposal

The VWRP and SWRP facilities are currently powered by electricity distributed by SCE through the regional grid. Some construction activities would require connections to existing power sources and would slightly increase short-term electricity demand onsite. However, the increase in energy demand would be temporary and would comply with all applicable federal, state, and local energy efficiency policies and standards. Further, many construction activities requiring power, including excavation and material movement by crane, would be conducted by equipment powered by diesel engines and not by electricity.

The VWRP and SWRP energy use for 2013 and 2014 was 19 GWh per year and 4.5 GWh per year, respectively, for a total of 23.5 GWh per year. The project would require an additional 15.2 GWh per year at the VWRP, 0.2 GWh per year at SWRP and 1.4 GWh per year for offsite brine trucking. The combined energy increase of 16.8 GWh per year is shown in Table 3.2-1.

Table 3.2-1. Project Energy Consumption

	Energy Consumption (GWh/year)		
Process	**VWRP**	**SWRP**	**Offsite**
UV Disinfection Facilities	0.6	0.2	-
Microfiltration Facilities	1.2[a]	-	-
Nanofiltration Facilities	2.6	-	-
Enhanced Membrane System	8.3[a]	-	-
Lighting /Misc. Equipment/Instrumentation	2.5	-	-
Brine Trucking	-	-	1.4[b]
Total Power Required	**15.2**	**0.2**	**1.4**
Total Power Required: 16.8 GWh/year			

[a] Energy consumption is the average over 10 years assuming 3 years of drought (highest chloride levels, highest advanced treatment flows and highest energy consumption) and 7 years of non-drought (typical chloride levels, typical advanced treatment flows and typical energy consumption).
[b] Energy consumption for brine trucking was calculated based on the GWh equivalent of diesel consumption.
Source: SCVSD 2015.

This additional demand would increase energy usage by approximately 80 percent at the VWRP and by approximately 5 percent at the SWRP. Power would be provided by SCE from existing overhead power distribution lines. The new electrical demand exceeds the existing service capacity at the VWRP and would require a new service line and substation. Service is expected to be provided from the existing overhead power distribution lines along The Old Road through a new underground or overhead feed to a new substation to be located at the north end of the VWRP near the new advanced treatment facilities. If the new feed line is buried, the line would require minor trenching and removal of a few ornamental trees that screen the VWRP from The Old Road. Once the new feed is installed, the trees would be replanted. In preliminary discussions, SCE reports that no other upgrades or modification to their system would be required to serve the project. As a result, the proposed project would not have a significant impact to energy infrastructure.

The existing electrical system at the SWRP is capable of providing the additional energy required for the UV disinfection facility. Impact would be less than significant.

Operational activities would comply with applicable energy efficiency policies and standards. The SCVSD would install energy-efficient equipment (e.g., pumps and motors) to the maximum

extent practicable to minimize the proposed project's energy consumption. Further, because the proposed project is intended to meet receiving water quality standards, the associated energy requirements would not be a wasteful use of energy or conflict with local or state energy efficiency plans or policies.

The VWRP and SWRP serve a population of 280,000. The increased energy needed to implement the proposed project would be approximately 16.8 GWh per year. If this amount were distributed equally among the population served by the WRPs, it would equate to approximately 60 kilowatt-hours (kWh) per capita per year, a 1 percent increase from 6,721 kWh per year (State of California 2008-2012) to 6,781 kWh per year. This energy increase is equivalent to every person in the service area operating one ceiling fan (150 watts) for approximately 4 hours per day, 100 days per year (Estimating Appliance and Home Electronics Energy Use, Department of Energy, October 2015). This slight increase in regional energy usage to implement a public service shared by the entire population is not significant.

The increased energy usage required to operate the proposed project would not represent a wasteful use of energy, require new energy sources, represent a considerable increase when compared on a per capita basis, or conflict with applicable energy policies and standards. Impact would be less than significant.

Renewable Energy

The proposed project modification may include onsite power generation using new solar panels and new gas-to energy facilities. If all potential areas for solar panels were implemented, the solar facilities would generate 0.7 GWh per year. The gas-to-energy facility would produce 6.7 GWh per year. At most, these facilities could offset about half of the increased energy demand from the modified compliance project.

Impact Summary

The construction and operation of the modified compliance project would not cause a substantial increase in overall or per capita energy consumption, cause wasteful or unnecessary consumption of energy, require construction of new sources of energy supplies or additional energy infrastructure capacity, or conflict with applicable energy efficiency policies or standards. Impact would be less than significant.

Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant Impact.

3.3
TRANSPORTATION AND TRAFFIC

3.3.1 INTRODUCTION

This section describes the potential impacts to the existing transportation and traffic system from implementation of the chloride compliance project as revised by the proposed project modification described in Section 2 (modified compliance project or project). This section provides an overview of the environmental setting to establish baseline conditions for transportation and traffic, a summary of the regulatory framework applicable to the transportation system at the proposed project site and surrounding area, and an evaluation of the potential impacts that may result from implementing the proposed project. Analysis for this section is based on information contained in the Traffic Level of Service Analysis for the Santa Clarita Valley Sanitation District Brine Concentration and Limited Trucking Technical Memorandum (Appendix D) prepared by the Transpo Group consulting firm (Transpo Group, 2015).

3.3.2 ENVIRONMENTAL SETTING

3.3.2.1 Existing Roadway System

Regional Access Roadways

The proposed facilities would be constructed at the Valencia Water Reclamation Plant (VWRP) and Saugus Water Reclamation Plant (SWRP) located in the northwest portion of Los Angeles County within the Santa Clarita Valley (SCV). The unloading station is an existing feature at the Sanitation District's Joint Water Pollution Control Plant (JWPCP) in the City of Carson. The transportation system within the proposed project area is comprised of an interconnected network of roadways, local transit systems, and pedestrian and bicycle facilities. Major regional highways serving the proposed project, shown on Figure 3.3-1, include the following:

Interstate 5 (I-5): Provides regional connectivity through Los Angeles County and interregional connections to Northern and Southern California. In the project area, I-5 is an eight-lane freeway that traverses the planning area of the SCV in a northwesterly direction and is a major throughway between the Santa Clarita Valley and the Los Angeles area. The VWRP is less than one mile from the nearest I-5 on- and off-ramps.

Interstate 405 (I-405): A major north-south state highway that merges with I-5 at the northern entry point to the Los Angeles Basin and provides additional regional access to the Southern California area, running along the western portion of Los Angeles County.



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure 3.3-1
Major Freeways in the Project Vicinity

Interstate 110 (I-110): Also known as the Harbor Freeway, traverses the Los Angeles Basin in a north-south direction and provides arterial highway connections to other regional highways in the Southern California region. The JWPCP is less than one mile from the nearest I-110 on- and off-ramps.

Interstate 101 (I-101): In Southern California, the highway is a heavily traveled commuter route serving the northwest portion of the greater Los Angeles area and San Fernando Valley. I-101 provides regional connectivity through Los Angeles County and interregional connections to Northern and Southern California.

State Route 170 (SR-170): The SR-170 runs from the I-5 to the SR-134 and I-101 interchange. The SR-170 runs in a north-south direction and provides arterial highway connections to other regional highways in the Southern California region.

Project construction would be located in unincorporated Los Angeles County and project traffic could affect several jurisdictions. Table 3.3-1 lists major local roadways that would be utilized during construction or operation of the project.

Public Transportation

Several transportation authorities have jurisdiction in the proposed project vicinity. These agencies include:

- Los Angeles County Metropolitan Transportation Authority (MTA), which provides public transportation throughout Los Angeles County
- Santa Clarita Transit (SCT)
- Los Angeles Department of Transportation (LADOT) Dash System
- Carson Regional Transportation Commission Intercity Jumper

Table 3.3-1 Local Access Roadways

Street Name	Jurisdiction	Designation [a]	Lanes	Direction [b]
The Old Road	County of Los Angeles	Major Highway	2 to 4	N/S
Magic Mountain Parkway	County of Los Angeles	Major Highway	6	E/W
Valencia Boulevard	County of Los Angeles	Major Highway	6 to 8	E/W
Bouquet Canyon Road	City of Santa Clarita	Major Highway	4	N/S
W. Sepulveda Boulevard	City of Carson	Major Highway	2-3	E/W
Figueroa Street	City of Carson	Major Highway	2	N/S

[a] Roadway designations are specific to the jurisdictions in which they are located.
[b] The general direction of roadways with respect to true north.
Sources: City of Los Angeles 2011; City of Santa Clarita 2011, City of Carson 2006.

Existing Levels of Service

Level of service (LOS) is a measure of operational conditions within a traffic stream in terms of volume of vehicles, speed, freedom to maneuver, traffic interruptions, and comfort and convenience. LOS is used to define the quality of traffic flow over a specific street, road segment, or through individual intersections. LOS represents the relationship between volumes of traffic (present or anticipated) and the ability of a roadway to carry the traffic. The six LOS standards for road segments are shown in Table 3.3-2. LOS is defined by a volume-to-capacity ratio (V/C) ranging from A (V/C ratio 0.0 – 0.6) to F (V/C ratio over 1.0). Levels A through C are generally considered good operating conditions with only minor delays. LOS D represents fair operating conditions with drivers occasionally forced to wait through more than one signal at the intersection. LOS E represents unstable operating conditions with drivers forced to wait through several signals at the intersection. LOS F represents gridlock conditions. Roadway conditions are analyzed based on annual average daily traffic (AADT) volumes, LOS, and V/C data.

Table 3.3-2 Level of Service Definitions

LOS Rating	Description	Unsignalized Intersections Delay (sec)	Volume to Capacity Ratio (V/C)
A	Free Flow. No approach phase is fully used by traffic, and no vehicle waits longer than one red indication. Insignificant delays.	0-10	0.00-0.59
B	Stable Operation. An occasional approach phase is fully used. Many drivers begin to feel somewhat restricted within platoons of vehicles. Minimal delays.	> 10-15	0.60-0.69
C	Stable Operation. Major approach phase may become fully used. Most drivers feel somewhat restricted. Acceptable delays.	> 15-25	0.70-0.79
D	Approaching Unstable. Drivers may have to wait through more than one red signal cycle. Queues develop but dissipate rapidly, without excessive delays.	> 25-35	0.80-0.89
E	Unstable Operation. Volumes at or near capacity. Vehicles may wait through several signal cycles. Long queues form upstream from intersection. Significant delays.	> 35-50	0.90-0.99
F	Forced Flow. Represents jammed conditions. Intersection operates below capacity with several delays; may block upstream intersections.	> 50	≥ 1.00

Source: Transportation Resource Board 2000.

The AADT for roadways in the proposed project area are provided in Table 3.3-3. The Los Angeles County Congestion Management Plan (CMP) addresses the impact of local growth on the regional transportation system. The LOS for roadways and highways identified in the CMP that could be impacted by the proposed project are listed in Table 3.3-4.

Truck Routes and Timing

The proposed route for trucks hauling concentrated brine would include the I-5, I-405, and I-110 freeways. Alternative routes include I-5 and I-110 as well as I-5, I-170, I-101, and I-110. Trucking would occur during off-peak hours to avoid the morning and evening rush hours. The local roadway portion of the route consists of the most direct route from the loading/unloading station to the nearest regional highway and does not include any residential roadways.

Table 3.3-3 Annual Average Daily Traffic (AADT) for Roadways and Highways in the Project Area

Roadway	Location	Annual Average Daily Traffic 2014 (AADT)
I-5	Los Angeles Junction, I-405	283,000
	Santa Clarita Junction, South SR-126	139,000
	Santa Clarita, Rye Canyon	130,000
I-405 [a]	Los Angeles, Junction I-5	NA
	Los Angeles, Junction I-101	209,000
	Los Angeles, Junction I-10	298,000
I-110	Los Angeles, Junction 1-5	122,000
I-110	Los Angeles, Junction 1-10	275,000
I-110	Los Angeles, Junction 1-405	261,000
I-101	R Los Angeles, Junction I-405	156,000
	Sepulveda Blvd.	176,000
I-101	Los Angeles, Junction I-10	209,000
I-101	Los Angeles, Junction I-110	264,000
SR-170	Los Angeles, Junction 101/134	171,000
SR-170	Los Angeles, Junction I-5	NA

[a] No AADT information provided for I-405.
NA = not available
Sources: Caltrans 2014

Table 3.3-4 Congestion Management Plan Roadways (2009 Level of Service)

CMP Route Within the project Area	Cross Street	LOS	
		AM Peak Hours	PM Peak Hours
County of Los Angeles			
Magic Mountain Parkway	Valencia Boulevard	A	D
I-5 (North of SR-14)	Northbound/Eastbound	C	E
	Southbound/Westbound	E	C
I-5 (North of SR-170 at Osbourne Street)	Northbound/Eastbound	C	F
	Southbound/Westbound	F	D
I-5 (at Burbank Boulevard)	Northbound/Eastbound	F	F
	Southbound/Westbound	F	F
I-5 (South of Colorado Street Exit)	Northbound/Eastbound	F	F
	Southbound/Westbound	F	F
I-5 (at Stadium Way)	Northbound/Eastbound	E	F
	Southbound/Westbound	F	F
I-405 (North of Roscoe Boulevard)	Northbound/Eastbound	B	F
	Southbound/Westbound	F	B
I-405 (South of Mulholland Drive)	Northbound/Eastbound	D	F
	Southbound/Westbound	F	E

CMP Route Within the project Area	Cross Street	LOS	
		AM Peak Hours	PM Peak Hours
I-405 (North of Venice Boulevard)	Northbound/Eastbound	F	F
	Southbound/Westbound	E	F
I-405 (North of La Tijera Boulevard)	Northbound/Eastbound	F	F
	Southbound/Westbound	F	F
I-405 (North of Inglewood Avenue at Compton Boulevard)	Northbound/Eastbound	F	D
	Southbound/Westbound	D	F
I-405 (South of SR-110 at Carson Scales)	Northbound/Eastbound	F	E
	Southbound/Westbound	E	F
SR-170 (South Of Sherman Way)	Northbound/Eastbound	A	B
	Southbound/Westbound	F	A
I-101 (South of Santa Monica Boulevard)	Northbound/Eastbound	D	F
	Southbound/Westbound	F	F
SR-110 (at Alpine Street)	Northbound/Eastbound	E	F
	Southbound/Westbound	F	F
SR-110 (South of I-101)	Northbound/Eastbound	F	F
	Southbound/Westbound	F	F
SR-110 (at Slauson Avenue)	Northbound/Eastbound	E	E
	Southbound/Westbound	C	F
SR-110 (at Manchester Boulevard)	Northbound/Eastbound	E	E
	Southbound/Westbound	D	E

NA = not available
Sources: Los Angeles County Congestion Management Program – Appendix A 2010

3.3.3 REGULATORY BACKGROUND

3.3.3.1 California Department of Transportation

The California Department of Transportation (Caltrans) manages interregional transportation, including management and construction of the California highway system. In addition, Caltrans is responsible for permitting and regulating the use of state freeways and highways. The regional freeways and highways in the proposed project area fall under the jurisdiction of Caltrans District 7 and include I-5, I-405, SR-170, I-101, and I-110.

Caltrans' construction practices require temporary traffic control planning during any time the normal function of a roadway is suspended (Federal Highway Administration 2003). In addition, Caltrans requires that permits be obtained for transportation of oversized loads, certain materials, and for construction-related traffic disturbance. Caltrans regulations would apply to the transportation of any oversized construction equipment for the proposed project (Caltrans 1990).

3.3.3.2 Regional Transportation Plan

The Regional Transportation Plan (RTP) is a 25-year transportation plan that focuses on improving the balance between land use and transportation systems (both current and planned) throughout the Southern California region. The Southern California Association of Governments (SCAG) is required by federal law to create an RTP that determines the needs of the transportation system and prioritizes proposed transportation projects. The RTP is also necessary to obtain and allocate federal funding for regional transportation projects (SCAG 2008). The

RTP must be updated and federally approved every 3 years. Federal approval requires a positive demonstration that RTP projects will not generate travel emissions that exceed those assumed in the applicable Air Quality Management Plan. The 2012 RTP was adopted by SCAG in April 2012.

3.3.3.3 County of Los Angeles Congestion Management Plan

The Los Angeles Metropolitan Transportation Authority (MTA) is the designated Congestion Management Agency for Los Angeles County and has adopted the County of Los Angeles CMP (LA County MTA 2010). The County of Los Angeles CMP addresses the impact of local growth on the regional transportation system and includes monitoring LOS on the CMP highway and roadway networks through measurements of frequency and routing of the public and assisting local jurisdictions in meeting their responsibilities under the CMP. The County of Los Angeles CMP is established to meet the requirements of §65089 of the California Government Code.

3.3.3.4 Santa Clarita Valley Area Plan

The recently updated Santa Clarita Valley Area Plan was adopted on November 27, 2012. The Santa Clarita Valley Area Plan is a component of the County of Los Angeles General Plan and provides focused goals and policies that help guide development within the unincorporated areas of the SCV by addressing specific needs and characteristics of the area. The Santa Clarita Valley Area Plan ensures consistency with both the County of Los Angeles General Plan and the City of Santa Clarita General Plan. The Circulation Element of the Area Plan provides goals, objectives and policies to continue development of efficient, cost effective, and comprehensive transportation systems that are consistent with regional plans, local needs, and the Santa Clarita Valley's community character. The Circulation Element has been developed based on analysis of existing conditions in the Valley, future development in both city and county areas, and anticipated growth.

3.3.3.6 City of Santa Clarita General Plan

The Circulation Element in the City of Santa Clarita General Plan describes the comprehensive transportation network of roadways, multi-use trails and bike paths, bus transit, and commuter rail that provides mobility options to Santa Clarita Valley residents and businesses. The Circulation Element plans for the continued development of efficient, cost-effective and comprehensive transportation systems that are consistent with regional plans, local needs, and the valley's community character. Policies and goals of the Circulation Element include requiring coordination of land use and circulation planning to reduce vehicle trips by mixing land uses, locating higher densities within proximity of public transit, and providing greater access and connectivity for non-motorized travel modes.

3.3.3.7 City of Carson General Plan Transportation and Infrastructure Element

The Transportation and Infrastructure Element of the Carson General Plan (adopted October 11, 2004), provides information on existing and projected future circulation conditions in the City of Carson. As part of the General Plan, the Transportation and Infrastructure Element outlines policies and describes the future circulation system needed to support the General Plan Land Use Element. The Transportation and Infrastructure Element identifies the existing circulation system, the relationship of the existing system to the regional roadway system, and existing daily

traffic volume on the existing street network. It also provides a classification system, which includes local streets, collector streets, secondary highways, major highways, and state highways and freeways. The Element identifies truck routes and desirable roadway capacities and service levels for each type of facility based on volume-to-capacity ratio.

3.3.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

3.3.4.1 Thresholds of Significance

The criteria used to determine the significance of impacts related to transportation and traffic are based on Appendix G of the State CEQA Guidelines. The proposed project would result in a significant impact if it would result in any of the following:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; or

- Conflict with an applicable congestion management program, including, but not limited to, LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

The proposed project would have a significant impact to County of Los Angeles intersections if it resulted in an increase in the V/C ratio of a signalized intersection operating at LOS C, D, E, or F per the increases noted in Table 3.3-5.

Table 3.3-5 Significance Criteria for Signalized Intersections

LOS	Final V/C Ratio	Project-Related Increase in V/C
C	> 0.700 – 0.800	≥ 0.040
D	> 0.800 – 0.900	≥ 0.020
E, F	> 0.900	≥ 0.010

Source: Los Angeles County Traffic Impact Analysis Report Guidelines 1997.

The City of Carson considers Level of Service (LOS) D to be the worst acceptable operating condition for signalized intersections within the City. The proposed project would have a significant impact if the project causes an intersection operating at LOS D or better to operate at LOS E or F. If an intersection is operating at LOS E or F in the no project condition, and the project causes the volume to capacity ratio (V/C) to increase by 0.02 or more, then the project would be considered to have a significant impact.

3.3.4.2 Methodology

A traffic impact analysis (Appendix D) was prepared to assess the operational impacts of the brine trucking operation. The study area intersections were analyzed using the Intersection Capacity Utilization (ICU) methodology for signalized intersections and the Highway Capacity Manual (HCM) operations methodology for Caltrans ramp intersections and unsignalized intersections. The ICU method determines the volume-to-capacity (V/C) ratio on a critical lane

basis and determines LOS associated with each critical V/C ratio at the signalized intersection. The HCM method determines the average control delay a driver may experience at the intersection.

3.3.4.3 Impact Analysis

3.3.4.3.1 Consistency With Regulations for Circulation System

Impact 3.3-1: The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel, and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Construction

Construction of the ultraviolet (UV) disinfection, advanced treatment, brine concentration, and truck loading facilities would contribute to traffic on regional and local roadways due to construction worker vehicle trips, equipment deliveries, and materials hauling. Construction-related traffic would not result in any permanent degradation in operating conditions or LOS. Impacts would be associated primarily with material hauling trucks that would reduce roadway capacities due to slower movements and larger turning radii of trucks compared to passenger vehicles. Truck trips during construction would primarily utilize I-5 and The Old Road to access the VWRP and Magic Mountain Parkway and Bouquet Canyon Road to access the SWRP.

Traffic-generating construction activities on roadways adjacent to the VWRP and SWRP would consist of the daily arrival and departure of approximately 20 construction workers, as well as trucks hauling equipment and materials to the construction sites. Construction of facilities at the VWRP would require the importation of approximately 1,300 cubic yards (cy) of concrete, 600 cy of asphalt concrete, 1,200 cy of crushed aggregate base, and 1,000 cy of gravel. Grading would also require the import and export of approximately 5,500 cy of soil. The average capacities of haul trucks used to transport concrete and base/soil/gravel are 8 cy and 12 cy, respectively, resulting in 850 total haul trips. During the construction phase requiring the most trucks per day, approximately 24 truck trips would be spread throughout the work day (approximately 3 trips per hour). In the discussion below, operational impacts at 3 trips per hour are shown to result in a less than significant impact. Thus, these construction trips, which would be temporary, would not significantly impact local circulation. Further, construction of these facilities would take place within the existing WRPs and would not require any road or lane closures that could affect circulation on roadways. Impact would be less than significant.

Once constructed, the operation of the UV disinfection, advanced treatment, and brine concentration facilities would require approximately 13 new employees at the VWRP and would require less than one chemical delivery per day. Impact would be less than significant.

Operations

The proposed project would utilize an existing unloading station at the JWPCP that is capable of accepting brine from the proposed project without requiring construction.

The brine trucking operation would require an average of 6 truck trips per day (one-way), with a maximum of 10. As shown on Figures 3.3-2 and 3.3-3, the truck haul route would start at the VWRP, immediately access I-5 southbound, then I-405 southbound to I-110, and exit at Sepulveda Boulevard in the City of Carson. Alternatively, trucks might access I-5 southbound by heading south on The Old Road and east on Magic Mountain Parkway to the I-5 southbound ramp. As freeway alternatives, trucks might travel I-5 to I-110 or I-5 to SR-170 to I-101 to I-110. The unloading station would be located within the existing JWPCP off of Figueroa Street. Once the trucks unload, they would return to the VWRP by exiting I-5 at the Magic Mountain Parkway off-ramp, heading west on Magic Mountain Parkway, and then north on The Old Road. A traffic impact analysis was prepared by Transpo Group consulting to analyze the potential operational impacts of the brine truck trips on the intersections along the haul route (Appendix D).

The following intersections were analyzed near the brine loading station at the VWRP: I-5 northbound ramps/Magic Mountain Parkway (signalized), I-5 southbound ramps/Magic Mountain Parkway (signalized), The Old Road/Magic Mountain Parkway (signalized), The Old Road/Rye Canyon Road (signalized), and The Old Road/I-5 southbound ramps (signalized). These intersections are shown on Figure 3.3-2. The following intersections were analyzed near the brine unloading station at the JWPCP: I-110 northbound ramps/W. Sepulveda Boulevard (signalized), I-110 southbound ramps/W. Sepulveda Boulevard, and W. Sepulveda Boulevard/Figueroa Street (signalized). These intersections are shown on Figure 3.3-3. Table 3.3-6 shows the existing LOS of the study intersections.

Table 3.3-6 Existing Condition Intersection Level of Service Summary

			AM Peak Hour		PM Peak Hour	
	Intersection	**Control**	**V/C or Delay**	**LOS**	**V/C or Delay**	**LOS**
BRINE LOADING STATION (VALENCIA)						
1.	I-5 NB Ramps/Magic Mountain Parkway	signal	0.70	C	0.57	A
			21.5 sec	C	20.7 sec	C
	I-5 SB Ramps/Magic Mountain Parkway	signal	0.45	A	0.43	A
			14.0 sec	B	18.0 sec	B
3.	The Old Road/Magic Mountain Pkwy	signal	0.32	A	0.43	A
4.	The Old Road/Rye Canyon Road	signal	0.77	C	0.80	C
5.	The Old Rd/I-5 SB Ramps – project Egress	signal	0.27	A	0.28	A
			16.1 sec	B	19.2 sec	B
BRINE UNLOADING STATION (CARSON)						
1.	I-110SB Ramps/W. Sepulveda Blvd.	signal	**1.00**	**F**	**0.98**	**E**
			73.8 sec	**E**	**76.9 sec**	**E**
2.	I-110NB Ramps/W. Sepulveda Blvd.	signal	**1.43**	**F**	**1.18**	**F**
			45.5 sec	D	26.4 sec	C
3.	Figueroa St./Sepulveda Blvd.	signal	**0.94**	**E**	0.73	C

Notes: LOS based on Intersection Capacity Utilization (ICU) methodology; and, the *Highway Capacity Manual* (HCM) 2010 methodology for Caltrans facilities.
Bold – indicates LOS E or F operations.

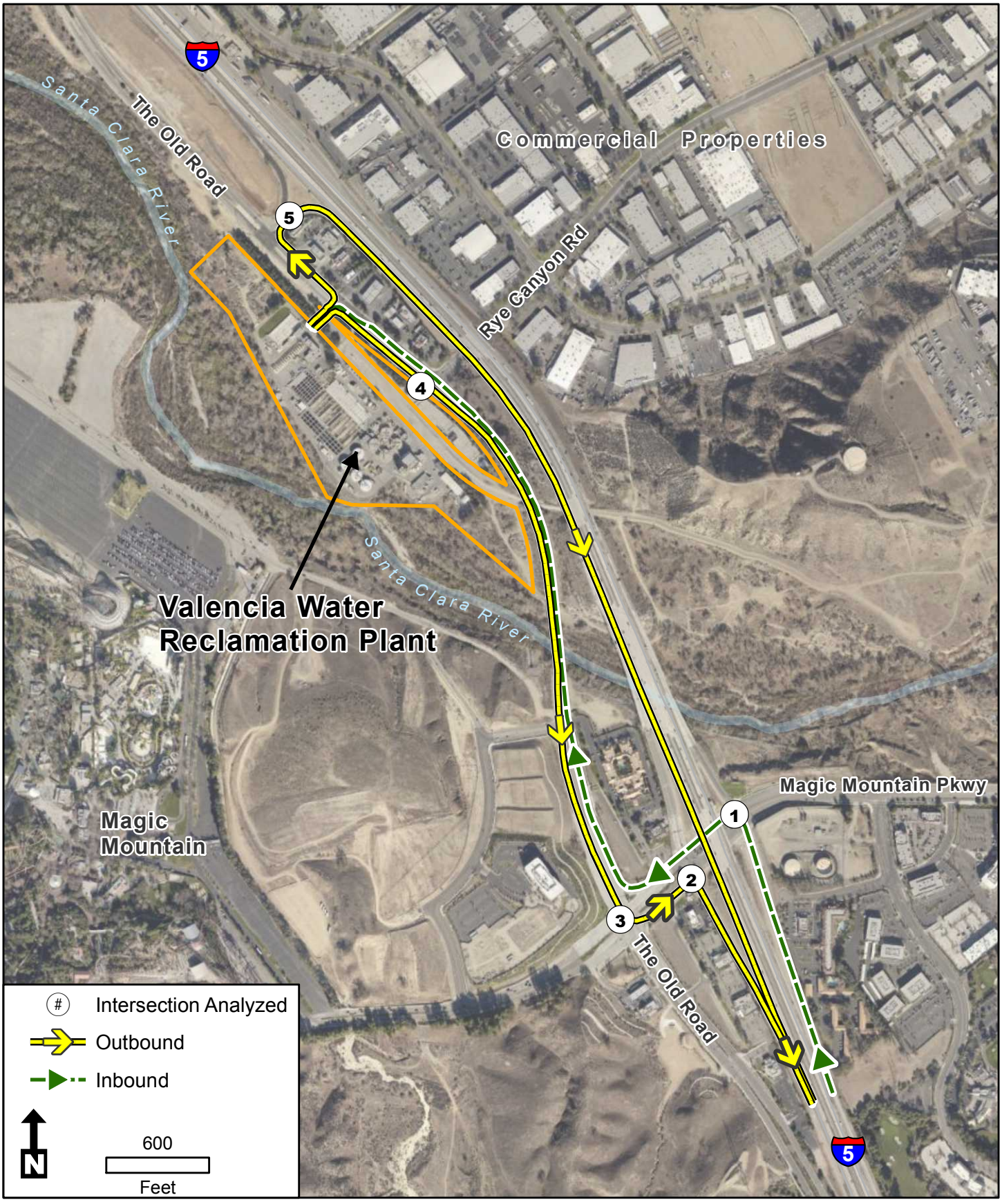


Figure 3.3-2
Intersections Analyzed Near Valencia WRP



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure 3.3-3
Intersections Analyzed Near Joint Water Pollution Control Plant

Table 3.3-7 presents the estimated operations trip generation. Every 20 to 30 minutes, a loaded truck would leave the VWRP and arrive at the JWPCP. The difference between 6 truckloads per day or the maximum of 10 is that the operation with 10 truckloads per day would require more hours per day.

As noted in the project description, the SCVSD would truck brine during off-peak hours to avoid morning and evening rush hours. However, to provide a very conservative analysis, the analysis in Table 3.3-7 assumes trucking during the AM and PM peak hours with 3 trucks per hour (1 truck every 20 minutes)

Table 3.3-7 Operations Trip Generation[1]

		AM Peak Hour[3]			PM Peak Hour[3]		
Land Use	**Daily[2]**	**In**	**Out**	**Total**	**In**	**Out**	**Total**
TOTAL TRIPS							
Brine Load Truck @ 10 Trucks/Day	20	3	3	6	3	3	6
Employee Trips[4]	26	0	2	2	0	0	0
PCE TRIPS							
Brine Load Truck @ 3.0 PCE	60	9	9	18	9	9	18
Employee Trips[4]	26	0	2	2	0	0	0
TOTAL TRIP GENERATION WITH PCE							
Proposed Project	86	9	11	20	9	9	18

[1] Operational trip generation information was provided by the SCVSD. The peak hour is determined based on the peak total volume of four consecutive 15-minute counts during a 2-hour period (or the peak period). In most cases, the AM peak period is 7:00 AM to 9:00 AM, and the PM peak period is 4:00 PM to 6:00 PM.
[2] One round trip counts as two trips in this analysis.
[3] **The SCVSD would truck during off-peak hours. To provide a very conservative analysis, three trips per hour during AM and PM peaks are assumed.**
[4] See Appendix D for more details including basis for peak hour employee trips.

As described in Section 2.4, the proposed project would generate a maximum of 10 brine truck round trips per day (20 total trips). The SCVSD would truck during off-peak hours. However, to provide a very conservative analysis, 6 truck trips and 2 employee trips in the AM peak hour (3 inbound and 5 outbound), and 6 truck trips in the PM peak hour (3 inbound and 3 outbound) are assumed. A Passenger-Car Equivalence (PCE) factor of 2.0 to 3.0 PCE is appropriate (i.e., one heavy truck equals two to three passenger cars). To be most conservative, the higher PCE of 3.0 was used in this analysis and results in the proposed project generating the equivalent of 86 daily car trips, including 20 AM peak hour trips (9 inbound and 11 outbound), and 18 PM peak hour trips (9 inbound and 9 outbound).

Table 3.3-8 presents the results of the LOS analysis for the Existing plus Operations traffic at the study intersections. The table provides the change in V/C and delay values for both the brine loading station (Valencia) and the brine unloading station (Carson).

Brine Loading Station – Valencia (Existing Traffic)

As shown in Table 3.3-8, there would be no significant impacts to study area intersections in the vicinity of the loading station because all increases in V/C associated with the proposed project would be less than the significance criteria. Impact would be less than significant.

Table 3.3-8 Existing Plus Project Intersection Level of Service Summary

	Existing Condition				Existing Plus Project Traffic					
	AM Peak Hour		PM Peak Hour		AM Peak Hour			PM Peak Hour		
Intersection	V/C or Delay	LOS	V/C or Delay	LOS	V/C or Delay	LOS	Change in V/C or Delay	V/C or Delay	LOS	Change in V/C or Delay
BRINE LOADING STATION (VALENCIA)										
1. I-5 NB Ramps/Magic Mountain Parkway	0.70	C	0.57	A	0.71	C	+0.01	0.57	A	+0.00
	21.5 sec	C	20.7 sec	C	21.5 sec	C	0.0 sec	20.7 sec	C	+0.0 sec
2. I-5 SB Ramps/Magic Mountain Parkway	0.45	A	0.43	A	0.45	A	0.00	0.43	A	0.00
	14.0 sec	B	18.0 sec	B	13.1 sec	B	-0.9 sec	17.9 sec	B	-0.1 sec
3. The Old Road/Magic Mountain Parkway	0.32	A	0.43	A	0.32	A	0.00	0.43	A	0.00
4. The Old Road/Rye Canyon Road	0.77	C	0.80	C	0.77	C	0.00	0.81	D	+0.01
5. The Old Rd/I-5 SB Ramps – project Egress	0.27	A	0.28	A	0.28	A	+0.01	0.34	A	+0.06
	16.1 sec	B	19.2 sec	B	16.0 sec	B	-0.1 sec	19.2 sec	B	0.0 sec
BRINE UNLOADING STATION (CARSON)										
1. I-110SB Ramps/W. Sepulveda Blvd.	**1.01**	**F**	**0.98**	**E**	**1.01**	**F**	**0.00**	**0.98**	**E**	**0.00**
	73.8 sec	**E**	**76.9**	**E**	**73.8 sec**	**E**	**0.00**	**76.9 sec**	**E**	**0.00**
2. I-110NB Ramps/W. Sepulveda Blvd.	**1.43**	**F**	**1.18**	**F**	**1.43**	**F**	**0.00**	**1.18**	**F**	**0.00**
	45.5 sec	**D**	26.4 sec	C	**46.1 sec**	**D**	**+0.60**	26.4 sec	C	0.00
3. Figueroa St./Sepulveda Blvd.	**0.94**	**E**	0.73	C	**0.95**	**E**	+0.01	0.73	C	0.00

Note: LOS based on Intersection Capacity Utilization (ICU) and Highway Capacity Manual (HCM) methodology.
See Appendix D for more details including reason why delay drops with the project in some cases.
Bold – indicates LOS E or F operations.

Brine Unloading Station – Carson (Existing Traffic)

As shown in Table 3.3-8, when the project is added to existing traffic, all study intersections would continue to operate at unsatisfactory LOS during at least one peak hour. However, the maximum increase in the V/C in Carson due to the project is less than the significance threshold of 0.02. Impact would be less than significant.

Brine Loading Station – Valencia (Opening Year Traffic)

Table 3.3-9 presents the results of the LOS analysis for the Opening Year (2019) plus Operations traffic at the study intersections. This scenario predicts future traffic without the project and identifies the impact with the project. The table provides the change in V/C and delay values for both the brine loading station (Valencia) and the brine unloading station (Carson).

As shown in Table 3.3-9, there would be no significant impacts to study area intersections in the vicinity of the loading station because all increases in V/C associated with the proposed project would be less than the significance criteria. Impact would be less than significant.

Brine Unloading Station – Carson (Opening Year Traffic)

As shown in Table 3.3-9, when the project is added to existing traffic, all study intersections would continue to operate at unsatisfactory LOS during at least one peak hour. However, the maximum increase in the V/C in Carson due to the project is less than the significance threshold of 0.02. Impact would be less than significant.

Potential Renewable Energy Facilities

If implemented, the renewable energy facilities would be constructed at a different time than the remainder of the project and thus the construction traffic impacts would not be additive. Construction of these facilities would have the same types of construction traffic impacts as the VWRP facilities discussed above but less impact because construction would require fewer people and less equipment. Consequently, the construction impact would be less than significant. The solar panels would require negligible operations and maintenance effort and would not change site staffing. The gas-to-energy facility is expected to be operated and maintained by a third-party who would remotely operate and send staff on site twice per week for routine maintenance. The resulting trips would result in a nominal increase in overall project trips and the impact from the overall project would still be less than significant.

Impact Summary

The construction and operation of the modified compliance project would not significantly impact traffic volumes and circulation on local roadways. The V/C associated with the proposed project would be less than the County of Los Angeles and City of Carson significance criteria. The construction and operational impact would be less than significant.

Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant Impact.

Table 3.3-9 Opening Year (2019) Plus Project Intersection Level of Service Summary

	Opening Year Baseline Condition				Opening Year Plus Project Traffic					
	AM Peak Hour		PM Peak Hour		AM Peak Hour			PM Peak Hour		
Intersection	**V/C or Delay**	**LOS**	**V/C or Delay**	**LOS**	**V/C or Delay**	**LOS**	**Change in V/C or Delay**	**V/C or Delay**	**LOS**	**Change in V/C or Delay**
BRINE LOADING STATION (VALENCIA)										
1. I-5 NB Ramps/Magic Mountain Parkway	0.77	C	0.62	B	0.79	C	+0.02	0.63	B	+0.01
	22.4 sec	C	21.3 sec	C	22.4 sec	C	0.0 sec	21.3 sec	C	0.0 sec
2. I-5 SB Ramps/Magic Mountain Parkway	0.49	A	0.47	A	0.49	A	0.00	0.47	A	0.00
	14.3 sec	B	18.2 sec	B	14.2 sec	B	-0.1 sec	18.2 sec	B	0.0 sec
3. The Old Road/Magic Mountain Parkway	0.35	A	0.46	A	0.35	A	0.00	0.46	A	0.00
4. The Old Road/Rye Canyon Road	0.85	D	0.88	D	0.85	D	0.00	0.89	D	+0.01
5. The Old Rd/I-5 SB Ramps – project Egress	0.29	A	0.36	A	0.30	A	+0.01	0.37	A	+0.01
	21.6 sec	C	39.3 sec	D	21.4 sec	C	-0.2 sec	39.1 sec	D	-0.2 sec
BRINE UNLOADING STATION (CARSON)										
1. I-110SB Ramps/W. Sepulveda Blvd.	**1.02**	**F**	**1.00**	**E**	**1.02**	**F**	**0.00**	**1.00**	**E**	**0.00**
	73.4 sec	**E**	**82.6**	**E**	**73.3 sec**	**E**	**-0.1**	**82.5 sec**	**E**	**-0.1 sec**
2. I-110NB Ramps/W. Sepulveda Blvd.	**1.46**	**F**	**1.21**	**F**	**1.46**	**F**	**0.00**	**1.21**	**F**	**0.00**
	52.2 sec	**D**	**26.9**	C	**52.9 sec**	**D**	**+0.7 sec**	27.1 sec	C	+0.2 sec
3. Figueroa St./Sepulveda Blvd.	**0.96**	**E**	0.75	C	**0.97**	**E**	+0.01	0.75	C	0.00

Note: LOS based on Intersection Capacity Utilization (ICU) and Highway Capacity Manual (HCM) methodology.
See Appendix D for more details including reason why delay drops with the project in some cases.
Bold – indicates LOS E or F operations.

3.3.4.3.2 Congestion Management Program/LOS Standard

Impact 3.3-2: The proposed project could conflict with an applicable congestion management program, including, but not limited to, LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

VWRP and SWRP Facilities

The proposed project would require the use of I-5 and The Old Road to access the VWRP, and Magic Mountain Parkway and Bouquet Canyon to access the SWRP. The intersection of Magic Mountain Parkway and Valencia Boulevard is a CMP route and currently operates at LOS A during AM hours and LOS D during PM hours. However, the Los Angeles County CMP is intended to regulate long-term traffic increases resulting from the operation of new development, and does not apply to construction traffic.

Operation of the proposed project would require approximately 13 new employees at the VWRP and less than one daily truck trip for chemical deliveries. The impact at the SWRP during operations would be negligible as UV disinfection would not change the staff size nor require chemical deliveries. The increase of operational truck trips to the VWRP would be minimal and would not significantly impact the current LOS of the Magic Mountain Parkway/Valencia Blvd intersection as described above. Impact would be less than significant.

Brine Trucking and Disposal

The nearest CMP facility in the vicinity of the brine loading station is I-5, and the nearest CMP facility to the brine unloading station is I-110. According to Appendix B of the CMP, Guidelines for CMP Transportation Impact Analysis, a regional CMP-level traffic analysis is required for a project that would add 150 peak hour trips to the nearest CMP freeways. The proposed project would contribute a maximum of 3 trips (9 trips in terms of passenger car equivalents) during off-peak hours. As a result, no CMP analysis is warranted. In addition, brine trucking would not result in a significant impact to the LOS of the intersections along the haul route (Transpo Group 2015) as described above. Therefore, the proposed project would not conflict with the Los Angeles County CMP or degrade the LOS standards. Impact would be less than significant.

Potential Renewable Energy Facilities

The potential renewable energy facilities would require the use of I-5 and The Old Road to access the VWRP. Operation of the renewable energy facilities would require minimal staffing for operations and maintenance and would thus generate minimal new vehicle trips to the VWRP. As mentioned above, the Los Angeles County CMP does not apply to construction traffic. Impact would be less than significant.

Impact Summary

The construction and operation of the modified compliance project would not conflict with an applicable congestion management program or other standards established by the county congestion management agency for designated roads or highways. The construction and operational impact would be less than significant.

Mitigation Measures: None Required.

Significance Level After Mitigation: Less Than Significant Impact.

4
CUMULATIVE IMPACTS

4.1 INTRODUCTION

Section 15130 and15065 of the California Environmental Quality Act (CEQA) Guidelines require that an Environmental Impact Report (EIR) include a cumulative impact analysis. The cumulative impacts from implementation of the chloride compliance project as revised by the proposed project modification described in Section 2 (modified compliance project or proposed project) in conjunction with other spatially and temporally proximate projects are analyzed in this section. The cumulative impact analysis is based on a list of projects that have the potential to contribute to cumulative impacts in the proposed project area.

4.2 CUMULATIVE IMPACTS

A cumulative impact results from the combination of the proposed project with other projects causing related impacts. The CEQA Guidelines require that an EIR discuss the cumulative impacts of a project when the project's incremental effect is "cumulatively considerable," meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. According to the CEQA Guidelines (Section15130[a] and [b]), the purpose of the cumulative impacts section is to provide a discussion of significant cumulative impacts that reflect "the severity of the impacts and their likelihood of occurrence." The CEQA Guidelines provide that the discussion of cumulative impacts should include all of the following:

- Either: (1) a list of past, present, and probable future projects producing related or cumulative impacts; or (2) a summary of projections contained in an adopted general plan or similar document, or in an adopted or certified environmental document that described or evaluated conditions contributing to a cumulative impact;
- A discussion of the geographic scope of the area affected by the cumulative effect;
- A summary of expected environmental effects to be produced by these projects; and
- Reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

The analysis of cumulative impacts focuses on the effects of concurrent construction and operation of the proposed project with other spatially and temporally proximate projects. As such, this analysis relies on a list of projects that have the potential to contribute to cumulative impacts in the proposed project area. Related projects located in surrounding jurisdictions may be impacted by the proposed project. Jurisdictions contacted for related project information include the County of Los Angeles, the City of Santa Clarita, and the City of Carson. Table 4-1

identifies projects located within the vicinity of the Valencia Water Reclamation Plant (VWRP; located in Los Angeles County near the City of Santa Clarita), Saugus Water Reclamation Plant (SWRP, located in the City of Santa Clarita) and the JWPCP (located in the City of Carson). These projects are considered in the cumulative analysis. Figures 4-1A and 4-1B identify the cumulative project locations with respect to the proposed project components. Cumulative project 3 is a regional project and cannot be represented on Figure 4-1A as a single location. Note that construction of proposed project components and the related projects identified in Table 4-1 may not occur at the same time. In addition, several projects are long-term and are planned to span a number of years (up to 20 years). This reduces the likelihood of these projects occurring at the same time as the proposed project.

Table 4-1 Cumulative Projects

No.	Project Name	Project Location	Project Type	Proximity to Proposed Project Site	Implementation Status
1.	Lyons Avenue Overlay Project	Lyons Avenue, between Wiley Canyon Road and Main Street in Santa Clarita	Roadway Improvement	3.7 miles south of VWRP	2014
2.	McBean Parkway Bridge Improvement Project	McBean Parkway at the Santa Clara River	Bridge Improvement	1.3 miles west of SWRP	2015
3.	Castaic Lake Water Agency Recycled Water Master Plan	Castaic Lake Water Agency Service Area	Recycled Water Infrastructure Upgrade	3 miles north of VWRP	First phase to begin no earlier than 2016
4.	Retaining Wall	VWRP	Erosion Protection	Within VWRP	2016
5.	Newhall Ranch Specific Plan	Unincorporated Los Angeles County – Santa Clara River Valley	Planned Community: 12,000 acres	2.5 miles west of VWRP	Ongoing Planning
6.	Legacy Village Project	Unincorporated Los Angeles County – Santa Clara River Valley	Planned Community: 1,759 acres	2 miles south of VWRP	Ongoing Planning
7.	The Old Road Widening Project	Unincorporated Los Angeles County	Road Improvement	Adjacent to VWRP	Ongoing Planning
8.	Entrada South	City of Santa Clarita- West of The Old Road and Magic Mountain Parkway	Mixed Development	1 mile south of VWRP	Ongoing Planning
9.	Ponte Vista	City of Los Angeles – 26900 S. Western Avenue	Planned Community: 61.5 acres	2.5 miles southwest of JWPCP	Ongoing Planning
10.	Sepulveda Mixed- Use	City of Carson – APN 7406-002-039 and 402 E. Sepulveda	Planned Senior Residential Living: 1.22 acres	0.25 mile east of the JWPCP	Ongoing Planning

No.	Project Name	Project Location	Project Type	Proximity to Proposed Project Site	Implementation Status
11.	Avalon Mixed-Use	City of Carson – 21521-21601 S. Avalon Boulevard	Planned Community: 5 acres	2 miles northeast of JWPCP	Approved by City Council June 2015
12.	The Boulevards at South Bay	City of Carson – Del Amo Boulevard and I-405	Mixed-use Commercial and Residential	2.25 miles north of JWPCP	Construction 2014-2016
13.	Carson Street Master Plan	City of Carson – Carson Street between I-110 and I-405	Street and surrounding improvement	1.5 mile north of JWPCP	Construction to begin 2014
14.	Shell Carson Revitalization Project	City of Carson – 20945 S. Wilmington Avenue	Facilities Upgrade	2.5 miles northwest of JWPCP	Draft EIR released March 2014

Sources: City of Santa Clarita, October 5, 2015; Castaic Lake Water Agency, October 5, 2015; Los Angeles County Planning, October 5, 2015; City of Carson Planning Division, Development Status Report, October 5, 2015; City of Los Angeles Department of City Planning, Major Projects Story Map and Planning Projects, October 5, 2015.

4.2.1 Related Projects

4.2.1.1 Geographic Scope

Cumulative impacts are assessed for related projects within a similar geographic area. This geographic area may vary depending upon the issue area discussed and the geographic extent of the potential impact. For example, construction noise impacts would be limited to areas directly affected by construction, while the area affected by the proposed project's construction-related air emissions generally includes the entire air basin. Construction impacts associated with increased noise, dust, erosion, and access limitations tend to be localized and could be exacerbated if other development or improvement projects are occurring within the same or adjacent locations as the proposed project.

4.2.1.2 Type of Projects Considered

As described in the Initial Study and Sections 3.1 through 3.3, the majority of impacts associated with implementation of the proposed project are short-term and related to construction rather than operational impacts. However, the analysis considers potential cumulative effects of the proposed project's construction and operation with other construction projects in the proposed project area. For this analysis, other past, present, and reasonably-foreseeable future construction projects in the area are identified.

4.2.1.3 Description of Cumulative Projects

Table 4-1 lists anticipated future projects that could contribute to cumulative impacts within the proposed project area. In addition to the projects listed in Table 4-1, other development projects that have not been identified at this time could occur within the proposed project area. Note that some projects, such as the Newhall Ranch Specific Plan and the Castaic Lake Water Agency Recycled Water Master Plan, will be implemented over decades, while others may be completed before or after the proposed project.

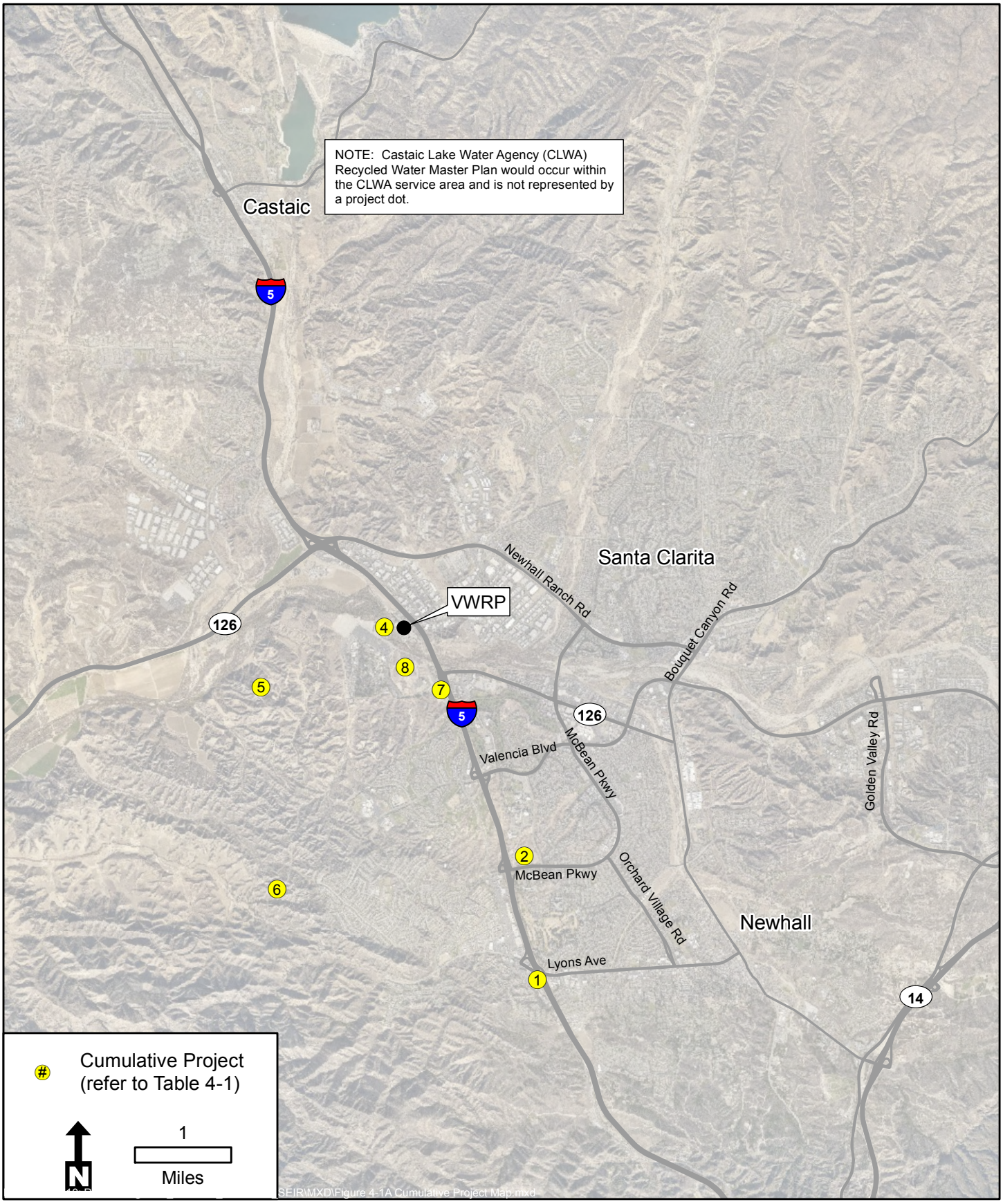


Figure 4-1A
Cumulative Project Map-Valencia

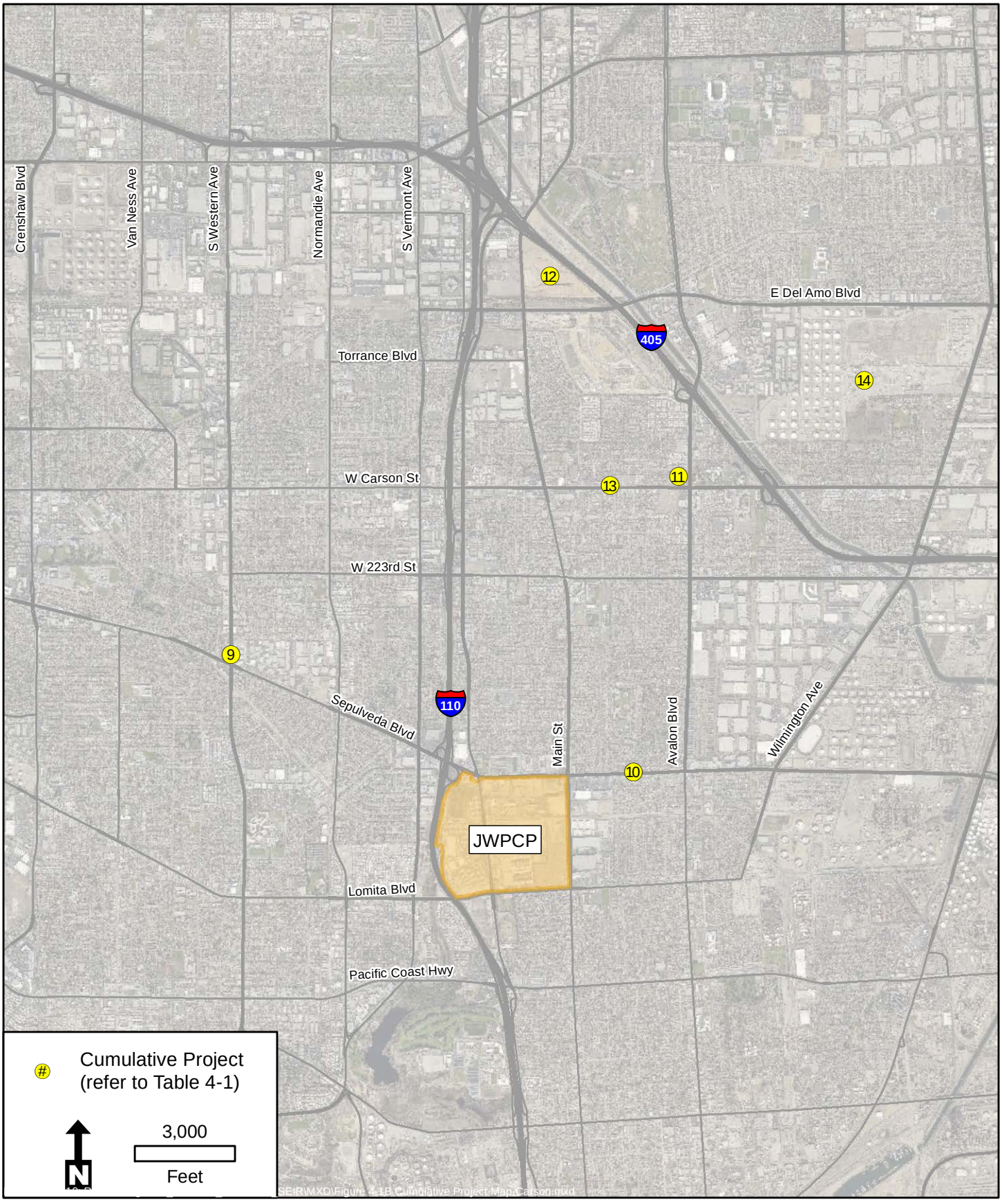


Figure 4-1B
Cumulative Project Map-Carson

4.2.2 Cumulative Effects

Impact 4-1: The proposed project, together with related projects, could create cumulative short-term construction impacts or long-term operation impacts related to air quality and greenhouse gas emissions, energy resources and utilities, and transportation and traffic.

4.2.2.1 Aesthetics

The geographic scope for cumulative aesthetic impacts is the VWRP, SWRP, JWPCP and immediately adjacent areas. The proposed project would be constructed within existing industrial sites (wastewater treatment plants) and the new facilities would look similar to the existing industrial equipment at these sites.

At the VWRP, the proposed facilities would have little visibility offsite as the VWRP currently has a line of tall, mature trees that screens views into the plant from The Old Road and none of the proposed facilities would exceed the height of existing facilities. From the west, the project would be partly visible from Magic Mountain. Given the distance and intervening trees, these facilities are expected to have limited visibility. Thus, the project's aesthetic impacts near the VWRP would be limited.

At the SWRP, the proposed facilities would have little or no visibility offsite as the SWRP is currently surrounded by hills or earthen berms and none of the proposed facilities would exceed a height of one story. Thus, the project's aesthetic impacts near the SWRP would be minimal.

The only projects in the immediate vicinity of the VWRP or SWRP that could result in cumulative impacts are the Retaining Wall and Old Road Widening projects. The Retaining Wall Project will extend the VWRP's retaining wall northward. The top of the wall will be at plant elevation, so the wall will only be potentially seen from the west at Magic Mountain. Given the distance and intervening trees, this wall is expected to be barely visible. The aesthetic impacts from The Old Road Widening Project are primarily expected to be temporary (during construction) since the final road will be similar in appearance to the existing road. Collectively, the aesthetic impacts of these projects would not be cumulatively considerable and the proposed project would not result in a significant cumulative impact on aesthetics.

At the JWPCP, the project would not require any construction. The JWPCP already accepts trucked liquid waste and the unloading of brine would occur at an existing waste disposal station located in the middle of the plant where such an operation would not be visible from offsite. Consequently, the project would have no aesthetic impact at the JWPCP.

Overall, the proposed project's aesthetic impacts would not be cumulatively considerable and the project would not result in a significant cumulative impact on aesthetics.

4.2.2.2 Air Quality and Greenhouse Gas Emissions

4.2.2.2.1 Air Quality

Construction

The geographic scope for cumulative air quality impacts is the South Coast Air Basin. Construction generates short-term emissions of criteria pollutants and toxic air contaminants including suspended and inhalable particulate matter and equipment exhaust emissions. The

related projects shown in Table 4-1 could contribute to cumulative air quality impacts depending on the timing of construction. Implementation of Mitigation Measure AQ-1 and compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 would limit construction dust and minimize vehicle and equipment emissions. The SCAQMD has established construction emission levels above which a project is considered to cause a regionally significant impact (regional significance thresholds). Construction of the proposed project would result in emissions that are below the SCAQMD's regional significance thresholds (see Section 3.1.4.3.2). Therefore, air quality impacts from construction of the proposed project would, by definition of the threshold, not be cumulatively considerable and the project would not result in a significant cumulative impact to air quality.

Operation

Similar to the construction significance thresholds, the SCAQMD has established operational significance thresholds to identify regionally significant projects. Operation of the proposed project would result in emissions that are below SCAQMD's regional significance thresholds (see Section 3.1.4.3.2). Therefore, air quality impacts from operation of the proposed project would, by definition of the threshold, not be cumulatively considerable and the project would not result in a significant cumulative impact to air quality.

4.2.2.2.2 Greenhouse Gas Emissions

The accumulation of greenhouse gas (GHG) emissions is an inherently cumulative impact. The greenhouse gas emissions from any single project would not cause a noticeable change in global climate. Instead, the significance of GHG emissions is determined based on whether such emissions would have a cumulatively considerable impact on global climate change. Thus, the geographic scope for cumulative GHG impacts is global. The proposed project would contribute GHG emissions primarily through the generation of electricity to power the new facilities and exhaust from brine trucks, and employee vehicles. No GHG significance thresholds have been adopted for general CEQA use. As described in Section 3.1, the proposed project's GHG emissions have been compared to the SCAQMD's significance threshold for proposed projects for which the SCAQMD is the lead agency. Due to the global nature of GHG impacts, this threshold has the effect of identifying cumulatively considerable projects. The proposed project would result in the emission of 5,290 metric tons (MT) of CO_2 equivalents (CO_2e), which would be lower than the SCAQMD's significance threshold of 10,000MT/yr CO_2e. Since the proposed project would not exceed the SCAQMD's significance threshold for GHG, GHG emissions from the construction and operation of the proposed project would not be cumulatively considerable and the project would not result in a significant cumulative impact on GHG emissions.

4.2.2.3 Biological Resources

The geographic scope for cumulative biological impacts is the VWRP, SWRP, JWPCP and immediately adjacent areas. At the SWRP, the project would not disturb any vegetation and is not expected to have any biological impact. The VWRP is adjacent to the Santa Clara River; however, the proposed project would not encroach upon the river or its riparian vegetation.

The only projects in the immediate vicinity of the VWRP or SWRP that could result in cumulative impacts are the Retaining Wall and Old Road Widening projects. The Retaining Wall Project will require some removal of native vegetation but the area of impact is small and the impact is less than significant. The Old Road Widening Project is expected to have a limited footprint and a corresponding limited biological impact. Collectively, the biological impacts of

these projects would not be cumulatively considerable and the proposed project would not result in a significant cumulative impact on biological resources.

At the JWPCP, there would be no construction. The nearest habitat is the Bixby Marshland, which is located on the other side of Figueroa Street from the truck unloading stations and would not be impacted. Thus, there would be no biological impact and there is no potential for cumulatively considerable impacts in Carson.

Overall, the proposed project's biological impacts would not be cumulatively considerable and the project would not result in a significant cumulative impact on biological resources.

4.2.2.4 Cultural Resources

The geographic scope for cumulative cultural resources impacts is the VWRP, SWRP, JWPCP and immediately adjacent areas. At the JWPCP, there would be no construction and no impact to cultural resources. No cultural resources have been identified at the VWRP or SWRP during field surveys. Record searches of the VWRP and SWRP including a one-half mile buffer nearby also revealed no resources. The VWRP and SWRP have been highly disturbed due to past construction activities and no cultural resources have been found. Therefore, there is a low likelihood of encountering cultural resources within the plants. Nonetheless, Mitigation Measures CUL-8 through CUL-11 from the Certified EIR would be implemented to further reduce the risk of impacting cultural resources.

The only projects in the immediate vicinity of the VWRP or SWRP that could result in cumulative impacts are the Retaining Wall and Old Road Widening projects. The low probability for the proposed project to encounter cultural resources also applies to the Retaining Wall Project, which will also lie within the VWRP footprint. Environmental review for The Old Road Widening Project has not been completed and the potential impacts are unknown at this time. However, CEQA environmental review will necessitate that The Old Road Widening Project employ feasible mitigation measures as needed. Collectively, the cultural impacts of these projects would not be cumulatively considerable and the proposed project would not result in a significant cumulative impact on cultural resources.

4.2.2.5 Energy Resources

The geographic scope for cumulative energy impacts is the SCVSD service area. Electricity for the proposed project would be provided by SCE. Many construction activities requiring power, including excavation and material movement by crane, would be conducted by equipment powered by diesel engines and not by electricity. Some construction activities would require connections to existing power sources, slightly increasing short-term electrical demand onsite during construction. Such usage would be handled by the existing power distribution system onsite and would not be cumulatively considerable.

Operational activities would comply with applicable energy efficiency policies and standards. The SCVSD would install energy-efficient equipment (e.g., pumps and motors) to the maximum extent practicable to minimize the project's energy consumption. Furthermore, because the project is required to meet receiving water quality standards, the associated energy requirements would not be a wasteful use of energy or conflict with local or state energy efficiency plans or policies. The SCVSD may also implement facilities to generate renewable energy at the VWRP that would somewhat offset the increased power demand of the proposed project. As described in Section 3.2, the project would require an additional 15.2 GWh per year at the VWRP, 0.2 GWh

per year at SWRP and 1.4 GWh per year for brine trucking, for a total of 16.8 GWh per year. Service is expected to be provided from the existing overhead power distribution lines along The Old Road through a new feed line to a new substation located at the north end of the VWRP near the proposed advanced treatment facilities. In preliminary discussions, SCE reports that no other upgrades or modification to their system would be required to serve the project. The proposed project's energy demands equate to a 1 percent per capita increase per year in the SCVSD service area. The effects of the proposed project, in combination with other cumulative projects in the geographic scope, would contribute incrementally to impacts on energy resources. The larger cumulative projects, like the Newhall Ranch Specific Plan, Entrada, and Legacy Village, would require a new demand from SCE. However, these projects are consistent with the General Plan for future growth in the Santa Clarita area and have been incorporated into SCE's future planning efforts to supply services to area. When considered in addition to other projects in the cumulative scenario, the slight increase in regional energy usage to implement the proposed project—a public service shared by the entire population—would not be cumulatively considerable and the proposed project would not result in a significant cumulative impact on energy resources.

4.2.2.6 Geology, Soils, and Seismicity

The geographic scope for cumulative geology and soils impacts is the VWRP, SWRP, JWPCP and immediately adjacent areas. At the JWPCP, there would be no construction and no impact to geologic resources. Construction of the proposed project would require limited grading and trenching, which could result in soil erosion if not properly managed. The project would include a Storm Water Pollution Prevention Plan with erosion control features and other best management practices (BMPs) to minimize erosion. The VWRP and SWRP have existing stormwater management facilities that can be utilized to manage stormwater. The total footprint of the project at the VWRP is very small (about 2.5 acres) and even smaller at the SWRP. These small sizes greatly limit erosion potential compared to projects with larger footprints.
The only projects in the vicinity of the VWRP or SWRP that could result in cumulative impacts are the Retaining Wall and Old Road Widening projects. These projects would be required to meet applicable local, state, and federal laws intended to limit soil erosion. These projects would have their own Storm Water Pollution Prevention Plans and BMPs. The Retaining Wall Project would involve filling rather than cutting and would be designed for geologic stability. The primary purpose of the wall is preventing erosion of the VWRP during a large storm event. Collectively, the geologic impacts from construction of these projects would not be cumulatively considerable and construction of the project would not result in a significant cumulative impact on geology, soils, and seismicity.

The completed facilities under the proposed project would not include any bare earth, so there would be no erosion during the operational phase. The brine trucking operations would not create any geologic impacts as the trucks would only travel on paved surfaces. Because operation of the proposed project would have no geologic impact, the geologic impacts from operation of the project would not be cumulatively considerable and operation of the project would not result in a significant cumulative impact to geology, soils and seismicity.

4.2.2.7 Hydrology and Water Quality

The geographic scope for cumulative hydrological and water quality impacts is the watershed and local water resources. As with the proposed project, all related projects are subject to the same regulations that protect water quality and water resources. These regulations include Storm Water Pollution Prevention Plans and post-development stormwater quality and quantity requirements (e.g., stormwater retention basins). All of these regulations are designed to address

the incremental effects of individual projects such that they do not cause a cumulatively considerable impact. Therefore, adherence to the aforementioned requirements would ensure that projects within the watershed do not result in cumulatively considerable impacts related to sedimentation, flooding, water quality, drainage system capacity, flood hazard areas, failure of a levee or dam, seiche, tsunami, or mudflows. Therefore, the hydrology and water quality impacts of the proposed project would not be cumulatively considerable and the project would not result in a significant cumulative impact to hydrology and water quality.

4.2.2.8 Land Use

The geographic scope for cumulative land use impacts is the VWRP, SWRP, JWPCP and immediately adjacent areas. All construction would occur entirely within the VWRP or SWRP sites, which are existing industrial facilities. The proposed project would add industrial equipment similar to the existing equipment at these sites, so no land use impact would occur. The JWPCP has an existing program and facilities to accept liquid waste; thus, acceptance of concentrated brine would not constitute a change in land use. The project would have no land use impact at the JWPCP. Because the proposed project would have no land use impact, the project's land use impacts would not be cumulatively considerable and the project would not result in a significant cumulative impact on land use.

4.2.2.9 Noise

Construction

The geographic scope for cumulative noise and vibration impacts is the VWRP, SWRP, JWPCP, immediately adjacent areas, and the routes used by construction vehicles, commuting workers and brine trucks. There are no sensitive receptors located within 4,000 feet of the VWRP. The nearest land use in the vicinity of the VWRP is commercial buildings adjacent to The Old Road, which are approximately 250 feet east of the VWRP. At the SWRP, the nearest sensitive receptor is approximately 750 feet southwest of the plant and the nearest land uses are commercial buildings adjacent to Bouquet Canyon Road, which are approximately 230 feet northwest of the SWRP. As described in the Certified EIR, construction-generated noise at the VWRP and SWRP would be below the Los Angeles County construction noise ordinance level of 85 A-weighted decibels (dBA) for businesses and below the City of Santa Clarita construction noise ordinance level of 80 dBA.

The only projects in the immediate vicinity of the VWRP or SWRP that could contribute cumulative impacts are the Retaining Wall and Old Road Widening projects. Construction of the Retaining Wall Project would occur before the proposed project, thus noise would not be cumulative. Construction timing for the Old Road Widening Project is unclear. Even if overlapping with the proposed project, the noise would be temporary. Noise levels are expected to be low enough, far enough from the proposed project, and far enough from sensitive receptors that the projects would not be cumulatively considerable. At the JWPCP there would be no construction. Therefore, the impacts from construction of the proposed project would not be cumulatively considerable and construction of the project would not result in a significant cumulative impact on noise.

Operation

Operation of the facilities at the VWRP and SWRP would result in noise levels similar to those currently generated at the VWRP and SWRP and would not result in exceedance of noise ordinances. The only projects in the immediate vicinity of the VWRP and SWRP that could result in cumulative impacts are the Retaining Wall and Old Road Widening projects. The Retaining Wall Project would not have operational noise impacts and any increased noise from the road widening is expected to be minor relative to the noise from the nearby I-5. Collectively, the noise impacts from operation of these projects would not be cumulatively considerable.

The brine unloading at the JWPCP would occur in the middle of the plant and would not generate noise offsite. Because this operation would have no noise impact, the proposed project's impacts would not be cumulatively considerable.

The analysis of traffic impacts indicates that the project would cause a very small increase in traffic—approximately 1 percent change in street usage and much less for freeways, which comprise over 95 percent of the haul route. The off-highway portions of the trucking route are on non-residential streets. These streets are within 370 feet from the I-5 freeway in Santa Clarita and 1,000 feet from the I-110 freeway in Carson. Thus, there is noticeable ambient noise from freeway traffic at these locations and the small increase in traffic from the proposed project would have a minimal impact on noise. This minimal increase coupled with a truck route on non-residential streets would make the noise impacts from operation of the proposed project not cumulatively considerable.

Therefore, operation of the proposed project would not result in a significant cumulative impact on noise.

4.2.2.10 Transportation and Traffic

The geographic scope for cumulative transportation and traffic impacts is the VWRP, SWRP, JWPCP, immediately adjacent areas, and the routes used by construction vehicles, commuting workers and brine trucks. Construction at the VWRP and SWRP would temporarily add vehicles to the nearby streets. However, these impacts would be less than significant as described in Section 3.3 of this SEIR and Section 19.4.3.1 of the Certified EIR.

Once constructed, operation and maintenance of the VWRP and SWRP facilities would require minimal new traffic related to worker commutes and chemical deliveries. Brine trucking would involve an average of 6 truckloads per day (10 maximum) during off-peak hours between the VWRP and the JWPCP. Near the VWRP, the brine trucking route would include The Old Road, Magic Mountain Parkway and I-5. Near the JWPCP, the route would include Sepulveda Boulevard, Figueroa Street and I-110. In between, the potential routes include I-5/I-405/I-110, I-5/SR-170/ I-101/I-110, and I-5/I-110. As discussed in Section 3.3, operational impacts from the proposed project would be less than significant. Related projects in Table 4-1 may result in cumulative traffic impacts as discussed below.

The Retaining Wall Project would be constructed within the VWRP footprint before construction of the proposed project begins. Consequently, traffic impacts from proposed project and the Retaining Wall Project would not be cumulative.

The Lyons Avenue Overlay Project is located approximately 3.7 miles south of the nearest portion of the proposed project (VWRP). Due to the distance, the overlay project is expected to result in limited new traffic in areas impacted by the proposed project, and vice versa. Given the

small impact of the proposed project itself and the limited anticipated overlap in project traffic, the traffic impacts of the proposed project would not be cumulatively considerable.

The McBean Parkway Bridge Improvement Project is located approximately 1.3 miles west of the nearest portion of the proposed project (SWRP). Due to the distance, the bridge improvement project is expected to result in limited new traffic in areas impacted by the proposed project, and vice versa. Given the small impact of the proposed project itself and the limited anticipated overlap in project traffic, the traffic impacts of the proposed project would not be cumulatively considerable.

The Newhall Ranch Specific Plan is a large residential and commercial development that will largely be accessed by SR-126; however, one of the earlier developments (Mission Village) will be accessed via a westward extension of Magic Mountain Parkway. The Entrada South Project is a residential development planned north and south of Magic Mountain Parkway and just west of The Old Road.[1] Both of these developments have the potential to add traffic to Magic Mountain Parkway and the I-5 northbound and southbound ramps. As a result, the proposed project has the potential to have overlapping traffic impacts with these projects. All future projects within the City and County would be required to comply with existing regulations and undergo environmental review. If warranted, these future projects may require design features and mitigation measures to limit traffic impacts. The traffic impacts for new residential developments will be much greater than those of the proposed project. For example, the Mission Village Project is projected to generate a total of 58,000 vehicle trips per day, including over 5,000 trips in the AM peak hour and PM peak hours.[2] Given the small impact of the proposed project itself, especially in comparison to a residential development, and the trucking of brine during off-peak hours, the traffic impacts of the proposed project would not be cumulatively considerable.

The Legacy Village Project is a proposed residential development that will be accessed by Pico Canyon Road, which is 2 miles south of the nearest portion of the proposed project (VWRP). At the time of this writing, no CEQA document had been released to the public for the Legacy Village Project. Due to its distance from the VWRP, the Legacy Village Project is expected to result in limited new traffic in areas impacted by the proposed project, and vice versa. Moreover, the traffic impacts of new residential developments are much larger those of the proposed project as discussed above. Given the small impact of the proposed project itself, especially in comparison to a residential development, and the trucking of brine during off-peak hours, the traffic impacts of the proposed project would not be cumulatively considerable.

Unloading at the JWPCP would not require any construction, so there would be no construction traffic. Brine trucking would involve an average of 6 truckloads per day (with a maximum of 10) during off-peak hours (outside of morning and evening rush hours). Whether, 6 or 10 truckloads per day, the maximum number of trucks that can be loaded with brine at the VWRP is 2 or 3 trucks per hour. The addition of 3 brine trucks per hour to Sepulveda Boulevard and Figueroa Street during off-peak hours would result in a very small increase in the road utilization relative to road capacity. Therefore, traffic impacts of the proposed project would not be cumulatively considerable.

Overall, construction and operation of the proposed project would not result in a significant cumulative impact to transportation and traffic.

[1] A Draft EIR for Entrada Project was issued by Los Angeles County Department of Regional Planning in April 2015.

[2] These trips would be distributed over a number of roads per Chapter 4.5, Section 1.b of the May 2011 Mission Village Final EIR.

5
GROWTH INDUCEMENT

5.1 INTRODUCTION

CEQA Guidelines Section 15126.2(d) requires that an EIR evaluate the growth-inducing impacts of a proposed action. Section 15126.2(d) calls for an EIR to:

> Discuss the way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a reclaimed water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can have direct and/or indirect growth inducement potential. Direct growth would result if a project, for example, involved the construction of new housing. A project would have indirect growth inducement potential if it established substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or if it involved a sustained construction effort with substantial employment opportunities that indirectly stimulated the need for additional housing and services to support the new employment demand. Similarly, a project would indirectly induce growth if it removed an obstacle to additional growth and development, such as removing a constraint on a required public service, such as expanding a reclaimed water treatment plant.

A project that is determined to be growth inducing may cause environmental effects as a result of that growth. These environmental effects are considered indirect secondary effects of growth. Secondary effects of growth can result in significantly increased demands on community and public service infrastructure; increased traffic and noise; degradation of air and water quality; and conversion of agricultural land to urban uses.

5.2 DIRECT AND INDIRECT GROWTH INDUCEMENT

Implementation of the modified compliance project would have no potential to directly foster population growth or to result in the construction of additional housing. Project construction is not expected to create substantial and sustained employment opportunities beyond the level normally available to construction workers in the area. In general, workers required for construction activities are expected to be drawn from the local labor pool. The operation of the modified compliance project would require approximately 13 new employees. Therefore, the modified compliance project would have negligible direct or indirect impacts on growth.

As described in Section 2, a primary objective of the modified compliance project is to make SCVSD's wastewater treatment and discharge facilities compliant with the Regional Water Quality Control Board's Chloride TMDL. The modified compliance project would reduce chloride levels in the treated water discharged by the SCVSD to the Santa Clara River through the use of advanced treatment. The modified compliance project would not increase SCVSD's capacity to treat wastewater and would not remove any obstacle to growth.

The modified compliance project would not directly or indirectly induce growth. Accordingly, the modified compliance project would not result in any secondary effects of growth.

6
PROJECT ALTERNATIVES

6.1 INTRODUCTION

Section 15126.6 of the California Environmental Quality Act (CEQA) Guidelines provides that an EIR must describe and evaluate a reasonable range of feasible alternatives that would avoid or substantially lessen significant project impacts and attain most of the project objectives.

A detailed alternatives analysis was completed and documented in Section 6 of the Santa Clarita Valley Sanitation District (SCVSD) Chloride Compliance Facilities Plan and EIR (Facilities Plan and EIR). On October 28, 2013, the SCVSD Board of Directors approved Alternative 2 as the chloride compliance project and certified that the EIR was completed in accordance with CEQA.

As described in Section 2 of this SEIR, the SCVSD is now proposing to implement a chloride compliance project that is modified relative to the project approved on October 28, 2013. This section contains the following:

- Documentation of the alternatives analyses completed in developing the modified compliance project;
- Comparative evaluation of the potential environmental impacts of alternatives relative to the proposed modified compliance project; and
- Identification of the environmentally superior project.

6.2 PLANNING GOALS AND OBJECTIVES

Project objectives were identified in Section 2.3. The project objectives are:

- Provide compliance with the State-mandated Chloride TMDL for SCVSD wastewater treatment and discharge facilities by the State's deadline
- Utilize an existing industrial facility for brine disposal
- Provide a wastewater treatment and effluent management program that accommodates recycled water reuse opportunities in the Santa Clarita Valley while protecting beneficial uses of the Santa Clara River.

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be

separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

6.3 REVIEW OF ALTERNATIVES ANALYSIS IN FACILITIES PLAN

The Facilities Plan and EIR documented the technical studies completed to identify the most cost-effective and environmentally sound methods of meeting the State-mandated chloride limit. In particular Section 6 of the Facilities Plan presented an extensive analysis of alternatives that began with identifying the universe of approaches that would either entirely or partly provide compliance with the Chloride TMDL. Section 6 ended with the identification and evaluation of four final alternatives.

6.3.1 Current Feasibility of Conceptual Approaches for Chloride TMDL Compliance

The current analysis began with identifying the universe of approaches that would either entirely or partly provide compliance with the Chloride TMDL. Examples include conveying treated wastewater to the ocean where there is essentially no chloride limit; conveying raw sewage out of the Santa Clarita area for treatment where chloride limits are not an issue; recycling all treated wastewater; and treating the drinking water supply to remove chloride. The conceptual approaches were then screened against their ability to meet the project goals and objectives to identify those alternatives that were potentially feasible and should receive further consideration. As part of this SEIR, the conceptual approaches were reconsidered but no new feasible alternatives were identified.

6.3.2 Current Feasibility of the Original Final Alternatives

Section 6.7.1 of the Facilities Plan identified four final alternatives. As part of this SEIR, the feasibility of these final alternatives was reconsidered as documented below.

6.3.2.1 Alternative 1 - MF/RO with Brine Disposal via Pipeline

In this alternative, a portion of the VWRP's tertiary-treated wastewater would receive advanced treatment (Microfiltration and Reverse Osmosis, or MF/RO) to remove chloride. The low chloride RO product water would be combined with the remaining tertiary-treated wastewater to produce a blend that meets the chloride limit. Brine from the MF/RO would be disposed via a 37-mile pipeline to an existing trunk sewer located within the JOS. From there, brine would flow to the Sanitation Districts' Joint Water Pollution Control Plant (JWPCP) located in the City of Carson, and eventually to the ocean using the JWPCP's existing ocean outfall.

Designing and constructing a 37-mile pipeline would be a time-consuming undertaking, especially with regard to routing and construction of the pipeline through older communities that already contain many subsurface utilities. Even if the pipeline were divided into multiple segments for concurrent construction, there is a low probability of completing the pipeline by the July 2019 compliance deadline. In addition, pipeline construction would require the issuance of construction permits by several jurisdictions including unincorporated Los Angeles County, and the cities of San Fernando, Los Angeles, Burbank, and Glendale. Obtaining these permits would

be a lengthy process that could impact the project schedule and could result in onerous permit requirements that would increase project costs.

In March 2015, the City of Ventura expressed interest to the SCVSD and other potential stakeholders about a shared regional brine pipeline. The City is subject to Regional Water Quality Control Board (Regional Water Board) requirements that are likely to require advanced treatment and disposal of the resulting brine. The City has until 2020 to propose a compliance option to the Regional Water Board and until 2025 to implement whatever compliance option is selected. Given this timeframe, a partnership with the City is not a feasible option.

In addition, the estimated costs for a pipeline have also increased since the Facilities Plan was completed. Technical information recently obtained as well as information from the operator of a brine line in the Inland Empire indicates that brine may need to be softened to avoid extensive scaling of the pipeline. The final pipeline design would need to include a detailed analysis to determine the level of softening needed to manage scaling.

At this time, a brine disposal pipeline cannot be completed by the July 2019 compliance deadline and this alternative is therefore no longer feasible.

6.3.2.2 Alternative 2 - MF/RO with Brine Disposal via Deep Well Injection

This alternative would include advanced treatment like Alternative 1 but the brine would be disposed via deep well injection. In March 2015, the SCVSD Board of Directors directed staff to investigate locations for deep well injection not near homes. Although this is a proven method of brine disposal used throughout the state, there is significant doubt whether this alternative can be implemented by the compliance deadline. After conducting a siting study of potential sites away from homes, the SCVSD would need to: complete technical studies; negotiate property rights with land owners; obtain a permit from the U.S. Environmental Protection Agency; and obtain a Conditional Use Permit (likely) from Los Angeles County to build a test well to verify that the new site is viable. Then, operating wells and a pipeline (to carry brine from VWRP to the injection site) would need to be designed and constructed. The brine pipeline would also require property negotiations and permits from local jurisdictions. Each of these steps requires cooperation by an outside party to be completed in a timely fashion and carries a substantial potential of delay. Given the amount of time remaining to complete a project by the July 2019 compliance deadline, it is unlikely that such a project could be completed by this deadline. Therefore, this alternative is no longer feasible.

6.3.2.3 Alternative 3 - MF/RO with Brine Disposal via Trucking

This alternative would include advanced treatment like Alternative 1 but the brine would be disposed via trucking to a disposal site. In the original Alternative 3, brine was to be trucked to a new unloading terminal. From there, brine would flow via sewer to the JWPCP, and eventually to the ocean using the JWPCP's existing ocean outfall. The original Alternative 3 contained a relatively low level of brine minimization called second-pass RO and required a new unloading terminal located at the north end of the Sanitation Districts' sewer system to minimize haul distances and trucking costs. This alternative was previously the lowest-ranked because of its overall cost and the environmental impacts associated with the high number of truckloads per day necessary for brine disposal (an average of 60 with 90 maximum).

Since the Facilities Plan and EIR were completed in 2013, enhanced brine concentration technology has been implemented in similar applications and has proven to be effective. This technology could be located at the VWRP and would allow for a 90 percent reduction in the

required number of trucks per day, which would greatly reduce environmental impacts. At such a reduced level of trucking, it is more advantageous to truck to an existing industrial facility rather than to a new unloading terminal subject to additional property acquisition and site development costs, additional time to obtain necessary permits, and community concerns about a new trucking operation. Enhanced brine concentration facilities would also provide environmental benefits by increasing the amount of recycled water available for use in the Santa Clarita Valley. A modified version of this alternative that includes enhanced brine concentration and limited trucking to an existing industrial facility can be implemented by the compliance deadline, is feasible, and has been further analyzed in this document.

6.3.2.4 Alternative 4 - Phased Alternative Water Resources Management Plan

This alternative required changes in the State's chloride limit to be feasible. Ultimately, support for the needed regulatory changes was not secured and the SCVSD Board approved a different project. Consequently, this alternative is not feasible.

6.4 PROPOSED MODIFICATIONS TO THE CHLORIDE COMPLIANCE PROJECT

At this time, the only feasible approach to compliance involves enhanced brine concentration and limited trucking of concentrated brine. Thus, the proposed modification to the approved chloride compliance project is to replace brine disposal by deep well injection with the installation of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine to an existing industrial facility. As described in Section 6.2, the water reuse project component in the Certified EIR is no longer part of the currently proposed project.

Section 6.6.3 of the Facilities Plan and EIR evaluated different levels of brine minimization with brine disposal by trucking. Brine minimization would involve the use of equipment located at the VWRP to reduce the volume of brine and the required number of truckloads per day. In a typical RO system without brine minimization, 85 percent of the water treated becomes product water (ultra-clean water) leaving 15 percent brine. A number of different processes could minimize the quantity of brine, including some that could result in over 99 percent product water and less than one percent brine.

Some processes like secondary RO (also referred to as second-pass RO), are emerging technologies. Others, like softening followed by secondary RO, have been successfully used for treatment of drinking water and industrial waste but have not been widely used for municipal wastewater. All of these processes are sensitive to the chemistry of the water being treated, which means that the water composition being fed to the process can impact the chemicals and energy required to operate the process, the reliability of the process, the amount of maintenance, and, costs.

In the Facilities Plan, three brine minimization options were considered: secondary RO, softening plus secondary RO, and softening plus secondary RO plus partial evaporation (a thermal process). These options would result in a maximum of 90, 45 and 5 truckloads per day, respectively.

As directed by the SCVSD Board, the SCVSD has re-evaluated the various brine minimization options. For the purposes of this SEIR, the term enhanced brine concentration is used to describe a brine minimization process that produces less than 1 percent brine.

There are two approaches to enhanced brine concentration—enhanced membrane systems (EMS) and thermal evaporation systems. A third approach that adds equipment called a crystallizer to either of the preceding systems is described separately below.

EMS require softening and pH adjustment (to control scaling and organic fouling), and additional stages of RO membranes to provide more high quality water and less brine. EMS were discussed in the Facilities Plan and EIR as follows: "EMS are relatively complex and would require detailed evaluation prior to implementation to assess system effectiveness and costs. The SCVSD will continue to monitor the development of these technologies and may recommend implementation in the future." Since the original Facilities Plan and EIR were completed in 2013, EMS has been implemented in a similar application and has proven to be effective.

As mentioned above, thermal evaporation systems were also evaluated in the Facilities Plan. These systems involve evaporating and then condensing and capturing pure water leaving behind concentrated brine. Thermal evaporation is a proven technology for enhanced brine concentration in industrial applications like power plants.

The SCVSD evaluated the use of EMS and thermal evaporation for enhanced brine concentration. While thermal evaporation could reduce the required truckloads to an average of 3 per day, EMS would require 25 percent less power and would only require an average of 6 truckloads per day for disposal of brine. EMS equipment is more compatible with the skillsets of existing operations and maintenance staff while evaporators utilize different equipment requiring different experience. When configured with a similar level of redundancy (capability of meeting regulatory requirements when equipment goes out of service for planned or unplanned maintenance), EMS is less costly than evaporators. Last, EMS equipment would blend with other equipment at the VWRP, while evaporators include cylindrical towers that are 80 to 100 feet high and would be visible offsite. Thus, EMS was determined to be superior for environmental, practical, and costs reasons and is the selected enhanced brine concentration technology.

6.5 ALTERNATIVE BRINE DISPOSAL LOCATIONS

Having determined that enhanced brine concentration with limited trucking is the only feasible brine disposal approach, and that EMS at the VWRP would provide the best method of enhanced brine concentration, the last consideration is where the brine will be disposed. As noted in Section 6.2, one of the project objectives is to utilize an existing industrial facility for brine disposal; thus, only locations meeting this objective are feasible. Other desirable traits for the disposal location are: short hauling distance; little to no hauling near residential communities; minimal off-highway driving; low cost at the disposal site; and high institutional feasibility (e.g., less need for external approvals such as permits or right-of-way). Finally, the SCVSD needs a reliable solution that can handle 100 percent of the SCVSD's brine year-round, ideally for a number of years with stable pricing.

Brine disposal by trucking provides flexibility. So long as use of the selected disposal location does not require significant initial cost, the SCVSD may change to a different location if a superior option were to become available in the future (subject to additional CEQA review, if necessary).

When the Saugus Water Reclamation Plant and VWRP are operating at their maximum capacity of 28 mgd, enhanced brine concentration equipment would produce an average of 33,000 gallons per day (gpd) of brine and a maximum of 52,000 gpd. This equates to 6 truckloads per day on average (10 maximum per day). When the facility begins operation in 2019, the wastewater flow

to the two WRPs is expected to be about 22 mgd (or 80 percent of capacity), resulting in 5 truckloads per day on average (8 maximum per day). Trucks would be loaded with brine at a new truck loading station located near the brine concentration equipment. The SCVSD would truck during off-peak hours to avoid morning and evening rush hours.
The SCVSD attempted to identify and evaluate the universe of brine disposal locations that would meet project objectives. These disposal locations have been grouped as listed below. A discussion and evaluation of each group follows.

- Wastewater facilities with ocean outfalls
- Water reclamation plants (i.e., wastewater facilities without an ocean outfall)
- Wastewater pumping plants
- Regional brine lines (discharging to the ocean)
- Contract disposal facilities
- Other industrial facilities
- Brine reuse in landfill operations
- Crystallizer with landfilling of resulting solids

6.5.1 Wastewater Facilities with Ocean Outfalls

Ocean discharge is an established method of brine disposal. The following wastewater facilities are located in the region and have ocean outfalls.

6.5.1.1 City of Oxnard

The City of Oxnard Wastewater Treatment Plant is the only ocean discharger in Ventura County. The plant accepts brine from local disposers. However, the continued acceptance of brine at the plant is uncertain because the brine is apparently causing maintenance issues with the newly installed advanced water treatment system at the plant. The City of Oxnard has expressed that it is not interested in accepting additional brine into its system. This location is not feasible and will not be further considered.

6.5.1.2 City of Los Angeles (Hyperion)

The City of Los Angeles owns and operates the Hyperion Treatment Plant. This plant was evaluated previously in the Facilities Plan. Approximately 30 mgd of effluent from the Hyperion Treatment Plant is supplied to the West Basin Municipal Water District (West Basin) for tertiary and advanced treatment. West Basin produces treated water of high to very high quality to meet the specific needs of its customers. Representatives of the City have expressed to the SCVSD that minimizing salinity is important to the City's commitment to provide high quality water to West Basin and the City is not interested in accepting the SCVSD's brine. This location is not feasible and will not be further considered.

6.5.1.3 Orange County Sanitation District

The Orange County Sanitation District (OCSD) discharges treated wastewater from its Huntington Beach wastewater treatment plant via an ocean outfall. Various waste haulers contract with OCSD for disposal of liquid waste. Disposal of SCVSD's brine at OCSD's waste

hauler station is prohibited by the OCSD's sewer use ordinance (Ordinance No. OCSD-39, Section 208.C), which prohibits liquid waste disposal from outside the OCSD's service area. Therefore, this location is not feasible and will not be further considered.

6.5.1.4 Sanitation Districts of Los Angeles County (Joint Water Pollution Control Plant)

The Sanitation Districts own and operate the Joint Water Pollution Control Plant (JWPCP) in Carson, which treats wastewater from much of the Los Angeles Basin (over 270 million gallons per day) and discharges via ocean outfalls. The JWPCP is the Sanitation Districts' largest treatment facility with a capacity of 400 mgd and treats higher salinity influent wastewater than other treatment plants due to the large number of industrial dischargers tributary to the plant. The JWPCP is 53 miles (one-way) from the VWRP.

This disposal location offers several desirable features. First, the JWPCP contains authorized disposal stations that already accept trucked wastewater. As a result, no construction would be required and no new permits would be needed. Second, the haul route between the freeway and JWPCP is only 0.3 to 0.5 miles and does not pass any residences. Third, the JWPCP is manned 24 hours per day and 7 days per week, thus facilitating afterhours and nighttime truck deliveries. In addition, this facility would charge a much lower cost per gallon of brine disposed compared to other options examined. Last, because the site is controlled by another of the Sanitation Districts, this location represents a potential long-term option with stable pricing. This disposal location is considered feasible and is evaluated further.

6.5.2 Water Reclamation Plants

Water reclamation plants (WRPs) and nearby sewers flowing to a plant with an ocean outfall were evaluated as potential brine disposal locations. In general, the influent wastewater to a WRP is of high quality (low salinity and less industrial), which facilitates production of high quality recycled water that is more desirable for reuse customers and enables compliance with permits when water must be discharged to a river. The introduction of approximately 33,000 gallons per day of brine into a WRP could adversely affect reuse customers and jeopardize the plant's ability to meet discharge permits. The SCVSD contacted WRPs operated by various jurisdictions (including Burbank, Ventura, Thousand Oaks, and Simi Valley) regarding the potential for SCVSD brine disposal. Due to strict chloride limits, concerns regarding reclaimed water quality, and discharge permit requirements, none of these parties were interested in accepting SCVSD's brine. Thus, this approach is not feasible and will not be further considered.

WRPs with a nearby sewer flowing to a plant with an ocean outfall might be feasible. In this scenario, the WRP would serve as an existing industrial location to unload trucks and might provide a shorter truck haul than going directly to the plant with the ocean outfall. As noted above, OCSD, the City of Los Angeles, and the City of Oxnard will not accept brine at their terminus plants (plants with an ocean outfall), so seeking to discharge upstream of these terminus plants would not be feasible.

Excluding VWRP and SWRP, the Sanitation Districts operate eight other WRPs. The two plants in the Antelope Valley do not have sewers nearby that discharge to the JWPCP. The sewers leading downstream of the La Canada and Whittier Narrows WRPs can feed other WRPs and thus would not be suitable for brine conveyance. The remaining four—Pomona, San Jose Creek, Los Coyotes and Long Beach WRPs—all have nearby sewers that lead to the JWPCP. Of these,

Los Coyotes and Long Beach require a longer truck haul than San Jose Creek and offer no other benefits, so those locations were not further considered.

Similar to the JWPCP, the Pomona WRP operates an authorized disposal station that already accepts trucked wastewater. This station discharges to an existing sewer that bypasses all WRPs and flows directly into the JWPCP. As a result, no construction would be required and no new permits would be needed. Currently, the disposal station receives approximately 25 truckloads daily. Compared to trucking to the JWPCP, this brine trucking operation would result in an 8-mile longer freeway haul each way (15 percent more). The shortest off-highway route is 0.5 to 0.8 miles (60 percent more than the JWPCP) and passes less than a block from residences in two locations. Similar to the JWPCP, this facility would charge a much lower cost per gallon of brine disposed compared to other options examined, but not as low as the JWPCP because this option would incur sewer system capacity and maintenance costs while the JWPCP option would not. Because the site is controlled by the Sanitation Districts, this location could be a long term option with stable pricing. This disposal location is considered feasible and is evaluated further.

The San Jose Creek WRP (SJCWRP) is located in northern Whittier and has two manholes that access a sewer (District 21 Interceptor) that flows directly into JWPCP. A truck unloading station could be constructed at SJCWRP for unloading SCVSD brine. Compared to trucking to the JWPCP, this brine trucking operation would result in a 3-mile shorter freeway haul each way (6 percent less). The shortest off-highway route is 1-mile past commercial and industrial property (over two times more than the JWPCP). However, the route to the potential unloading station is 0.6 miles through the plant via a narrow road with tight corners. The need for construction and the difficult route through the plant makes this location clearly inferior to the Pomona WRP and JWPCP locations. Consequently, this location will not be further considered.

6.5.3 Wastewater Pumping Plants

In concept, a truck could unload brine to a pumping plant wet well. The brine would then be pumped in a sewer force main and ultimately to a wastewater treatment plant. Unloading at a pumping plant that flows to a WRP would not be acceptable for the same reasons noted above for unloading directly at a WRP. Unloading at a pumping plant that flows to a treatment plant with an ocean outfall, like those owned by the City of Oxnard, City of Los Angeles, and Orange County Sanitation District would not be acceptable because those agencies will not accept the flow at their plant for the reasons noted above. Thus, the only potentially feasible pumping plant locations would be Sanitation Districts' pumping plants that flow to the JWPCP.

The Sanitation Districts operate 48 pumping plants. Of these, 34 flow solely to the JWPCP. While pumping plants vary in footprint and flow capacity, most are not designed for frequent truck deliveries and are located in residential areas not suitable for routine truck traffic, especially night operations. Only one pumping plant (Beach Avenue Pumping Plant) receives regular truck deliveries for odor control chemicals (2 loads/week). This plant is located 39 miles from the VWRP (26 percent closer than the JWPCP option). The off-highway route to the pumping plant is 2.1 miles long (five times longer than the JWPCP option), mostly through a heavily-travelled thoroughfare (Florence Avenue). This plant is located in a mixed residential and industrial area. Access to the pumping plant from Florence Avenue is via a two-way residential street that is not sized for regular trucking. Adding an average of 6 truckloads per day during off-peak hours would not be compatible with the plant's surroundings. Thus, pumping plants are not a feasible brine disposal location and will not be further considered.

6.5.4 Regional Brine Lines

The Facilities Plan and EIR explored various regional brine pipeline alternatives for brine disposal. In this concept, SCVSD brine would be transferred via truck to a disposal location and into a regional brine line for final disposal. Each brine line in the region is evaluated below.

6.5.4.1 Calleguas Regional Salinity Management Pipeline

The Calleguas Municipal Water District (CMWD) manages the Calleguas Regional Salinity Management Pipeline to carry brine, saline groundwater, and treatment plant effluent with unacceptable salt levels from Ventura County customers within CMWD's service area. The pipeline discharges to the ocean via an existing outfall at Port Hueneme. CMWD reported that the projected quality of the SCVSD's concentrated brine would not meet water quality limits. Therefore, this option is not feasible and will not be further considered.

6.5.4.2 Inland Empire Brine Line

The Inland Empire Brine Line (formerly the Santa Ana Regional Interceptor or SARI line) is managed by the Santa Ana Watershed Project Authority (SAWPA). This pipeline disposes of salty wastewater generated from manufacturing and water treatment in the Inland Empire region. The pipeline conveys water to a wastewater treatment plant operated by the Orange County Sanitation District that discharges to the ocean. SAWPA only accepts discharges from within its service area. Therefore, this option is not feasible and will not be further considered.

6.5.4.3 Potential City of Ventura Brine Line

The City of Ventura is under Regional Water Board discharge requirements that may require construction of advanced treatment and associated brine disposal facilities by 2025. The City has initiated preliminary discussions with possible stakeholders about a regional brine line. The City has until 2020 to propose a compliance project to the Regional Water Board and until 2025 to implement its compliance project. With the SCVSD needing to have its compliance project constructed and started up by July 2019, this option is not feasible. However, the SCVSD will continue to monitor the City's efforts. If this brine line becomes a firm proposal, the SCVSD could consider switching its brine disposal method pending technical and environmental review.

6.5.5 Contract Disposal Services

There are two types of for-profit disposal services for liquid waste: 1) those that pick up liquid waste at the customer's site and truck the waste to their preferred disposal location; and 2) those that accept trucked liquid waste at their site. Such disposal sites may or may not provide some level of treatment before discharging to a sewer that flows to one of the treatment plants in the region. By using such a service rather than trucking directly to the treatment plant, the SCVSD would pay a "middleman" and the total costs of disposal would increase and be subject to future rate fluctuations.

Four contract hauling and waste disposal facilities were evaluated for accepting SCVSD brine. Green Compass Environmental operates two full service wastewater disposal facilities—one in Santa Paula (Southern California Waste Water); and one in Anaheim (Green Compass Environmental Solutions Orange County). Southwestern Processors operates a facility in the City of Vernon and K-Pure Waterworks operates a facility in the City of Rancho Cucamonga. All of these facilities have permits that would allow acceptance of SCVSD's brine.

Of these, Southern California Waste Water is superior because its location has the shortest total haul distance, compatible surroundings (commercial and industrial property), comparable or superior cost per gallon compared to competitors, and a short off-highway route that does not pass homes. Further, the facility is expected to expand its hours of operation in the near future making the facility compatible with the off-peak hauling proposed by the SCVSD. This facility is located 33 miles from the VWRP (40 percent closer than the JWPCP). The off-highway route is 2 miles long (five times longer than the JWPCP). The disposal cost per gallon is ten times greater than that of the JWPCP, which would raise the SCVSD's costs by approximately $700,000 per year. As a result, this location is deemed inferior to the JWPCP and Pomona WRP locations and is not considered further in this SEIR. However, the SCVSD will continue to monitor pricing at this facility and, should the pricing drop sufficiently to make this option financially viable, the SCVSD would reevaluate its options and could switch to this facility subject to future environmental review.

6.5.6 Brine Reuse as a Water Source for Construction Needs (Including Landfills)

Brine reuse for local construction needs was analyzed in the Facilities Plan and EIR. This approach would involve using brine for local construction needs such as dust control or moisture control for compacted soil fills. These types of reuse must meet CCR Title 22 regulations for secondary-treated recycled water. Concentrated brine is not expected to meet these requirements. Further, in uses outside a landfill, water quality could be impacted by salts running off into surface water or salts leaching into groundwater. Thus, this option is not feasible and will not be further considered.

6.5.7 Crystallizer with Landfill Disposal of Resulting Solid Salts

In this concept, a system of industrial equipment called a crystallizer would be added at the VWRP. The crystallizer would use heat to evaporate concentrated brine to the point where solid salt crystals form. The solids would then be further dewatered using a centrifuge or belt-filter press. Once the solids consist of less than 50 percent water, they would be trucked to an appropriate landfill. Because these solids are readily soluble, landfill regulations require that such waste to go to a Class I or II landfill. The nearest such landfills are the McKittrick Landfill and Clean Harbors Buttonwillow Landfill in Central California, approximately 100 miles from the VWRP (one-way). By creating solids, an additional 33,000 gallons per day of usable water would be recovered and required truck trips would be reduced to 0.7 per day on average (1.1 maximum). A crystallizer would require 20 percent more energy than the JWPCP option. While similar to an evaporator in appearance, a crystallizer tower is about half the height of an evaporator (40 to 50 feet). Like an evaporator, a crystallizer is a proven technology for brine volume reduction in industrial applications. This equipment is costly to construct, operate, and maintain. Expensive, exotic metals are needed to slow the pace of corrosion and significant downtime may be required to remove scale if the operation is not very carefully controlled. Crystallizers are usually only utilized when trucking of liquid brine is not possible. Despite these challenges, this process is considered a feasible approach and will be given further evaluation.

6.5.8 Evaporation Ponds

An evaporation pond works by using the sun's energy to evaporate water leaving residual salts that could be periodically collected and disposed at an appropriate landfill. To be feasible, an

evaporation pond alternative must meet all project objectives including being located at an existing industrial facility. Evaporation of the maximum concentrated brine flow (52,000 gallons per day) is expected to require 30 to 40 acres of ponds (PACE 2015). The Districts were unable to find any existing industrial facilities within Santa Clarita or eastern Ventura County with this amount of flat acreage. Two existing industrial sites that do have sufficient flat acreage are the Sanitation District's Palmdale Water Reclamation Plant and Lancaster Water Reclamation Plant. Of these Antelope Valley sites, the Lancaster Plant is superior due to the very short route from the freeway to the site entrance (0.2 miles versus 4.2 miles for Palmdale). The overall haul distance from the VWRP is 60 miles (15 percent longer than to the JWPCP).

The ponds would require a permit from the Regional Water Board that is expected to take at least two years to obtain. Two likely permit conditions are that the ponds be double-lined to protect groundwater and that groundwater monitoring wells be constructed and routinely monitored. Not including land purchase or lease, the cost to construct the liner system would be at least $8.3 million dollars. Without grant money to offset this cost increase, the cost of the compliance project with an evaporation pond would necessitate an increase in the service charge rates that were adopted in 2014 to pay for the compliance project's costs.

Studies in the Central Valley (Kesterson Reservoir) indicate that highly saline water in evaporation ponds poses a hazard to birds that ingest the brine. In PACE's 2015 evaluation of evaporation ponds, PACE indicated that evaporation ponds greater than 20 acres had not been permitted in the last 20 years. The Regional Water Board's failure to issue such a permit is believed to result from concern about the hazard to birds. Operation and maintenance (O&M) costs for vector control and preventing bird access to ponds of 30 to 40 acres in size would be costly.

Due to greater construction cost than the JWPCP option, uncertainty as to whether the project would be permitted, concern about bird hazard, and the extra time required to permit, design and construct the liner and monitoring system, this approach is clearly inferior to the JWPCP option and will not be further considered.

6.5.9 Other Uses

Use of brine in concrete batching operations was evaluated as a potential means for disposal. However, upon discussions with various concrete suppliers, concentrated brine was deemed to be incompatible with concrete batching.

6.6 FINAL ALTERNATIVES

6.6.1 Description of Final Alternatives

The final brine management alternatives differ in the location of brine disposal. In Section 6.5, three brine disposal locations were found to be feasible and worthy of further consideration leading to the three alternatives described and evaluated below. Key characteristics of the final alternatives are summarized in Table 6-1. In all final alternatives, the advanced treatment equipment at the VWRP would include EMS to enable enhanced brine concentration in addition to chloride removal. When the SWRP and VWRP are operating at their maximum combined capacity of 28.1 mgd, the advanced treatment equipment would produce an average of 33,000 gallons per day of concentrated brine with a maximum of 52,000 gpd. Concentrated brine would

be trucked in 5,500 gallon trucks, resulting in an average of 6 truckloads per day (10 maximum). Trucking would occur during off-peak hours to avoid morning and evening rush hours.

Table 6-1 Characteristics of Final Brine Management Alternatives

	JWPCP	Pomona WRP	Crystallizer
Capital Cost[a]	$129 M	$129 M	$146 M
Amortized Capital Cost[a,e]	$6.4 M	$6.4 M	$7.2 M
Average O&M Cost[a,b,c]	$5.9 M	$6.0 M	$6.3 M
Equivalent Annual Cost[a,d]	$12.3 M	$12.4 M	$13.5M
Average Truck Miles per Day[c]	610	710	140
Average Annual Power Consumption (Megawatts)[c,f]	1.6	1.6	1.9
Average Annual Power Consumption (equivalent barrels of oil)	8,200	8,300	9,700

[a] All costs in 2015 dollars.
[b] O&M is an abbreviation for Operations and Maintenance.
[c] Amounts are for entire chloride compliance project including fuel consumed by trucks. Averages based on assumption that 30 percent of the time is drought (maximum conditions) and 70 percent is non-drought (typical conditions).
[d] Equivalent Annual Cost (EAC) is the sum of the annual O&M cost and the annual debt service (amortized capital cost) to pay off project loans. EAC provides a way to compare the life-cycle costs of alternatives by including both capital and ongoing O&M costs.
[e] Capital costs were amortized over 30 years at 2.8 percent interest.
[f] Power consumption is for the total chloride compliance project as modified by the particular brine management alternative.

6.6.1.1 Joint Water Pollution Control Plant

In this alternative, the brine would be hauled 53 miles (one-way) from the VWRP to the Sanitation Districts' JWPCP in Carson (see Figure 6-1). The brine would be disposed at one of four existing, authorized disposal stations. The brine would then pass through the treatment plant and be discharged to the ocean. The JWPCP treats about 270 million gallons per day from 73 cities in the Los Angeles area. Discharge of SCVSD brine at the JWPCP would raise the JWPCP's salinity by only one percent and would not impact the JWPCP's ability to meet its discharge permits. The haul route from the VWRP to the I-5 freeway is 0.9 to 1.1 miles long depending upon the route selected (see Figure 6-2). Neither of these routes passes homes. The haul route from the 110 freeway to the JWPCP is 0.3 to 0.5 miles long and does not pass homes (see Figure 6-3). The disposal stations are located in the middle of the JWPCP and no closer than 700 feet from the nearest neighboring property. The haul route within the JWPCP is 0.5 miles long through relatively open, paved areas.



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure 6-1
Truck Route from VWRP to Joint Water Pollution Control Plant



Figure 6-2
Truck Routes Between Valencia WRP and Southbound Freeway

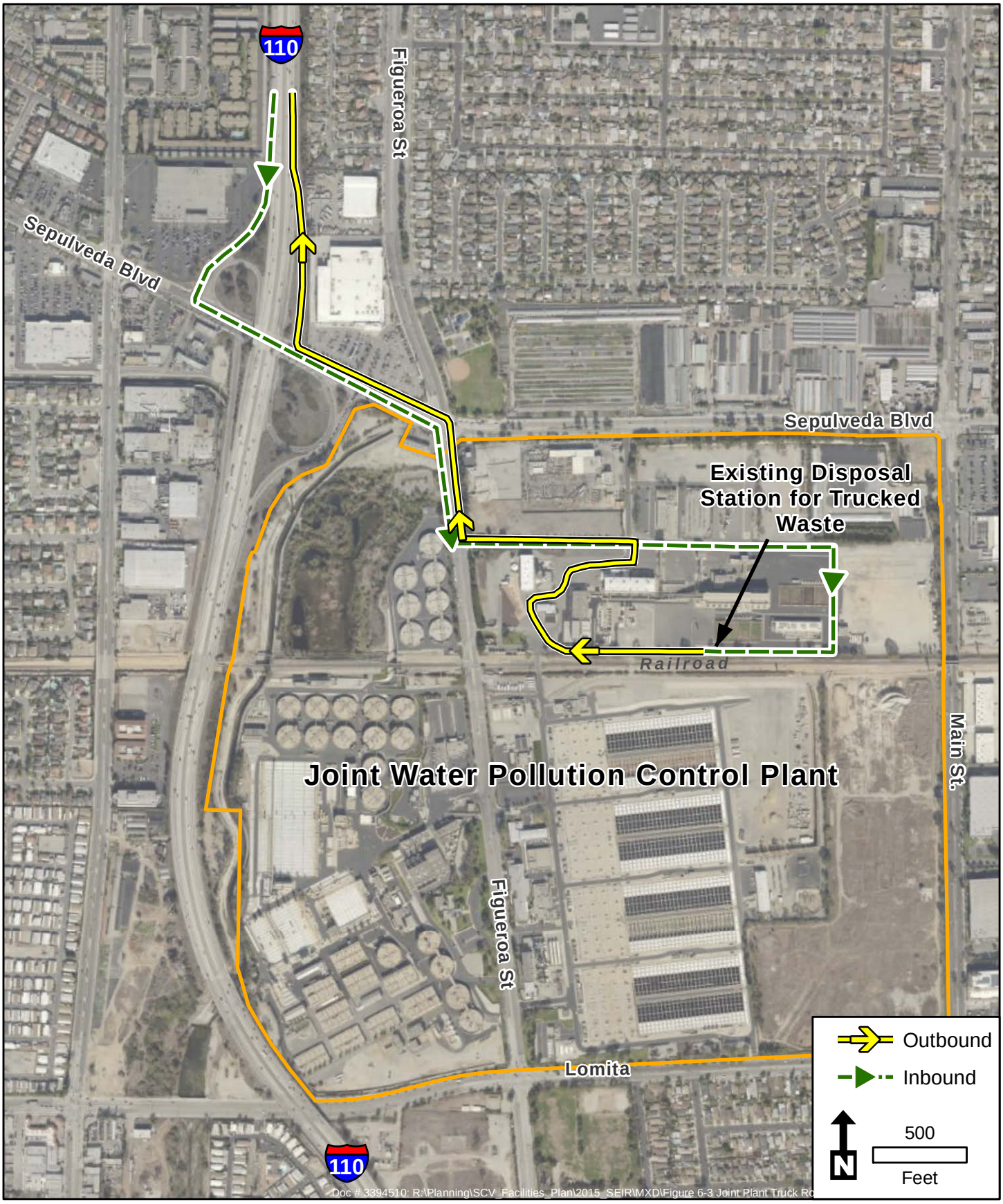


Figure 6-3
Joint Water Pollution Control Plant and Truck Routes

6.6.1.2 Pomona WRP

In this alternative, the brine would be hauled 61 miles (one-way) from the VWRP to the Sanitation District's Pomona WRP in Pomona, CA. The brine would be disposed at the existing, authorized disposal station located adjacent to the Pomona WRP on Humane Way. The station discharges into the District 21 Interceptor Sewer, which bypasses all downstream WRPs and flows directly to the JWPCP. The brine would then pass through the JWPCP and be discharged to the ocean. Like the JWPCP Alternative, discharge of SCVSD brine under this alternative would raise the JWPCP's salinity by only one percent and would not impact the JWPCP's ability to meet its discharge permits. However, the high mineral content in the brine could lead to scale formation in sewers, especially at the upstream end where there would be less flows from other sources to dilute the brine and reduce its tendency to scale. As a result, the brine discharge could necessitate more frequent sewer cleaning and additional maintenance. The haul route from the VWRP to the I-5 freeway is 0.9 to 1.1 miles long depending on the route selected (see Figure 6-2). Neither of these routes passes homes. The haul route from the SR-71 to the Pomona WRP is 0.5 to 0.8 miles long via Humane Way and passes within a block of residences at two locations (see Figure 6-4). The disposal station is located south of the Pomona WRP with open space to the west, the Humane Society to the south, and a parking lot and commercial building on the east side of Humane Way. The haul route onsite is about 300 feet and was designed expressly for truck traffic.

6.6.1.3 Crystallizer

In this alternative, crystallizer and dewatering equipment (centrifuge or belt filter press) would also be added to the VWRP. The concentrated brine from the EMS would be further processed by the crystallizer and dewatering equipment to produce an average of 16 tons of salt crystals per day (25 maximum). Salts would be trucked to the nearest Class I or Class II landfill that could accept such waste, which are the McKittrick Landfill and the Clean Harbors Buttonwillow Landfill. These sites are located in Central California about 100 miles (one-way) from the VWRP (see Figure 6-5). This alternative would produce an average of 0.7 truckloads per day (1 maximum). The haul route from the VWRP to the I-5 freeway is 0.9 miles long and does not pass homes (see Figure 6-6). This alternative would increase the energy consumption of the chloride compliance project (including energy consumed as truck fuel) by 20 percent compared to the JWPCP Alternative. Further, crystallizers include a tower that is 40 to 50 feet high that would be visible outside of the VWRP site. Due to the high cost of this equipment, a backup crystallizer would be cost-prohibitive. Consequently, when the crystallizer is out of service for planned or unplanned maintenance, the SCVSD would need to truck concentrated brine (average of 6 truckloads per day; 10 maximum) to a location like the JWPCP or Pomona WRP or would need to stop the chloride treatment process altogether, which could jeopardize the SCVSD's ability to meet permit requirements depending on the length of the outage.



Figure 6-4
Pomona WRP and Truck Route



Figure 6-5
Trucking of Crystallized Solids to McKittrick Landfill

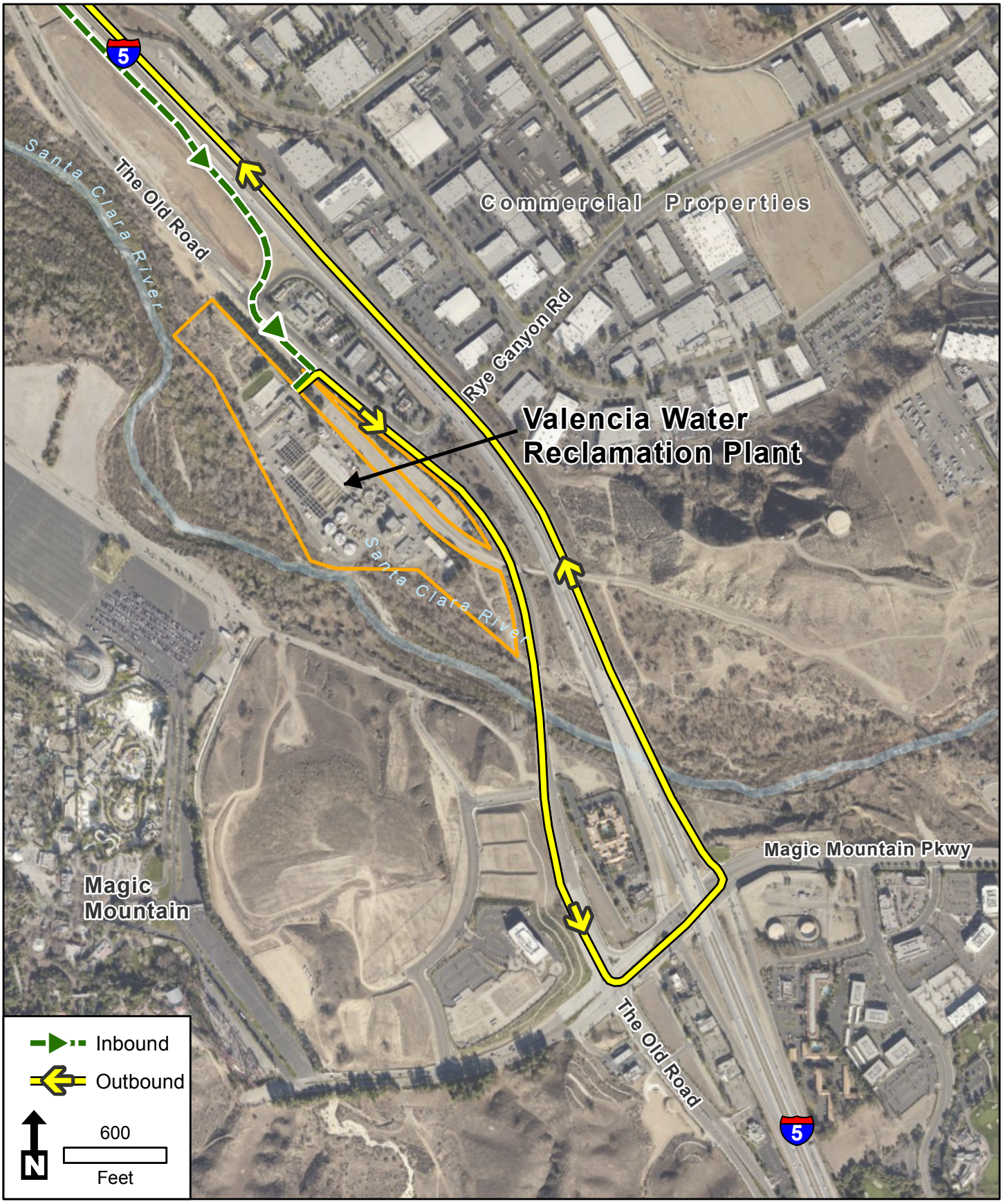


Figure 6-6
Truck Routes Between Valencia WRP and Northbound Freeway

6.6.2 Evaluation Criteria

The final alternatives were evaluated using criteria as shown in Table 6-2. These criteria are briefly described below.

Table 6-2 Evaluation of Final Brine Management Alternatives

Criteria	JWPCP	Pomona WRP	Crystallizer
Miles Travelled per Day	3	2	5
Energy Usage/GHG	5	5	3
Operational Considerations	5	3	2
Time to Implement	5	5	2
Capital Cost	5	5	2
O&M Cost	5	5	4
Total Points	28	25	18
Percent of Total	93%	83%	60%

Note: Comparative ratings are Superior (5) and Inferior (1).

6.6.2.1 Miles Travelled per Day

A key difference between alternatives is the miles of trucking required. This criterion gives a measure of traffic impact and air emissions for haul trucks.

6.6.2.2 Energy Usage/GHG

All chloride compliance options will appreciably increase energy usage and, in so doing, create greenhouse gas emissions during energy production and combustion of fuel by trucks.

6.6.2.3 Operational Considerations

Operational considerations include flexibility, reliability, simplicity, operator familiarity, and potential to impact neighboring properties. Flexibility allows personnel to adjust for changing conditions such as flow increases or influent water quality variations. In general, the SCVSD's preference is to implement systems that provide operational flexibility while minimizing any associated cost premium. The SCVSD also routinely designs its facilities for reliability. Examples include standby mechanical systems, redundant critical facilities, backup power supply, and instrumentation and control flexibility. Simplicity of the system depends upon the number of system components and the location and interaction of these components. Typically, simple systems result in fewer operational and maintenance issues and lower costs. The cost, reliability, and overall effectiveness of facility operations are also impacted by the operational staff's familiarity with the systems involved.

6.6.2.4 Time to Implement

The SCVSD must implement the compliance project by the State's strict deadline of July 2019 or risk steep fines. Before the deadline, the SCVSD must: complete this environmental review; complete design of the compliance project; bid and award a construction contract; order equipment with long lead times; construct the facilities; and startup and test the new facilities. This schedule is challenging. As a result, alternatives having fewer components to design and construct and less need for outside approvals, such as agreements or permits, were rated more favorably.

6.6.2.5 Capital Cost

This is the cost to construct the project including associated costs for planning, permitting, design and construction management. In July 2014, the SCVSD Board of Directors approved increases in customer service charge rates for fiscal years 2014/15 through 2019/20 to fund the originally selected compliance project, which had a capital cost of $130 million. Consequently, any alternatives costing more than $130 million could require further rate increases unless the additional capital cost was offset in some way such as obtaining grants.

6.6.2.6 O&M Costs

This is the ongoing cost to operate and maintain the facilities and includes power, chemicals, parts, and labor. Unlike capital costs which are established around the time of construction, these costs typically increase over time due to inflation.

6.6.3 Evaluation of Final Alternatives

The final alternatives were evaluated and ranked as summarized in Table 6-2. As illustrated in this table, the JWPCP Alternative was highest ranked, followed closely by the Pomona WRP Alternative, with the Crystallizer Alternative a distant third. A discussion of the pros and cons of each alternative is provided below.

6.6.3.1 Evaluation of JWPCP Alternative

The JWPCP Alternative ranked first and was rated highest in all criteria except miles travelled per day, where this alternative ranked second. This alternative clearly ranked highest in terms of operational considerations. Relative to the Pomona WRP Alternative, this alternative has a superior off-highway route and the disposal stations are located in the middle of the plant where operations would not be visible to neighboring properties. By not requiring sewers for conveyance, this alternative does not use sewer system capacity and does not create the potential for additional sewer maintenance to control scaling. Relative to the Crystallizer Alternative, this is a simpler and more reliable system that does not require special expertise to operate and maintain. This alternative also has the lowest capital cost and O&M cost.

6.6.3.2 Evaluation of Pomona WRP Alternative

The Pomona WRP Alternative ranked second overall, better than the Crystallizer Alternative in four of six criteria, but not better than the JWPCP Alternative in any criteria. Relative to the JWPCP, this alternative would result in 15 percent more miles, has a longer off-highway route on a lower volume road that gets closer to residences. The disposal station is relatively close to the Humane Society to the south. A nighttime disposal operation could result in barking dogs that, in turn, could create noise impacts for residents south of the Humane Society. The disposed brine would need to travel nearly 51 miles through the Sanitation Districts' sewer system from the Pomona WRP to reach the JWPCP. This flow would utilize valuable sewer system capacity and the high mineral content in the concentrated brine could lead to scale formation in the sewers resulting in the need for more frequent sewer cleaning. As a result, this alternative ranked lower in operational considerations than the JWPCP Alternative. In summary, the Pomona WRP Alternative is a viable potential option to the JWPCP Alternative, but is slightly inferior.

6.6.3.3 Evaluation of Crystallizer Alternative

The Crystallizer Alternative ranked last in all categories except for miles travelled per day. The sole advantage of this alternative is that the number of brine truckloads would be reduced to 0.7 per day on average. The Crystallizer Alternative would increase energy usage/greenhouse gas (GHG) production by 20 percent compared to the JWPCP Alternative. Due to its high cost, the crystallizer equipment would not have redundancy. As a result, a different brine disposal alternative (such as trucking to the JWPCP) would have to be implemented whenever the crystallizer is out of service. The crystallizer is relatively costly to construct, operate, and maintain. Expensive, exotic metals are needed to slow the pace of corrosion and significant downtime may be necessary to remove scale if the operation is not very carefully controlled. Therefore, the Crystallizer Alternative ranked lowest in operational considerations, capital, and O&M costs. Because this alternative requires the design and construction of additional facilities as well as the procurement of long-lead time equipment, it is likely to extend the time to implement the compliance project beyond the State's 2019 deadline. Given the relatively small number of truckloads for the other alternatives, the reduced number of trucks from a crystallizer does not justify this alternative's higher costs, greater energy requirements, longer implementation time, increased operational complexity, and reduced system reliability.

6.6.4 Recommended Project

The JWPCP Alternative offers the lowest costs and least overall environment impacts and is the top-ranked alternative for brine management. Therefore, the JWPCP Alternative is the recommended brine management alternative (proposed project modification).

6.7 RENEWABLE ENERGY

As discussed in Section 3.2, the chloride compliance project will increase SCVSD power demands appreciably. Current SCVSD power costs are approximately 9 to 11 cents/kWh. The SCVSD purchases power directly from competitive electric service providers through California's Direct Access program.

To offset the increased power demands of the chloride compliance project, onsite power generation using renewable energy sources is evaluated below. According to the EPA, renewable energy is electricity generated by fuel sources that restore themselves over a short period of time and do not diminish. Renewable technologies include: wind, biomass, hydroelectricity, geothermal, solar, and biogas. The feasibility of implementing each technology at an SCVSD facility is discussed below.

6.7.1 Wind

Using turbines or sails, wind power can be extracted from airflow to produce electricity. Depending on location, wind power is an efficient alternative to fossil fuels and is clean and renewable. Large windmill farms in locations with predictably high winds are the norm when it comes to wind power generation in California.

Wind speeds at the VWRP are not high enough or consistent enough to economically generate power. Budgetary proposals received from vendors indicate that an 1,800 kW wind turbine would provide an annual average output of 200 kW at a best-case cost of 18 to 19 cents/kWh.

Based on current and projected power costs this technology is not economically viable in the region. Additionally, there is limited space at the VWRP to install a wind turbine and any turbines, which reach heights on the order of 300 feet, would be visible to the surrounding area. Therefore, wind energy is not feasible for the SCVSD.

6.7.2 Hydroelectricity

Hydroelectricity involves the use of propellers or turbines to convert the energy of flowing water to electricity. Normally, hydroelectric facilities are viable where there is a large change in water elevation such as between the top and base of a dam. The SCVSD water reclamation plants are designed to minimize the amount of pumping and thereby minimize the electricity required for treatment. As a consequence of this design, changes in elevation through the plant are minimized to what is needed to get the flow through the treatment processes and then out of the discharge pipe. Alternative locations for low-head hydropower turbines were evaluated within the plant boundaries and changes in elevation through the plants were assessed, particularly at the final effluent weirs where plant effluent flows over a weir and drops into an open channel to be conveyed into the plant discharge piping. However, the magnitude of the vertical drop in water elevation over these effluent weirs does not result in adequate energy production to justify the installation costs of a low-head hydropower turbine at the SWRP. Under current conditions at the VWRP, the vertical drop from the effluent weirs is adequate for a low-head hydropower turbine. However, after the advanced treatment facilities become operational, plant effluent will be disinfected by UV disinfection and then discharged directly to the existing outfall via a pipeline (bypassing the effluent weirs). This pipeline may be a viable location for a low-head hydropower turbine. Further investigation of the configuration and cost for such a system is needed to determine its economic viability.

Hydropower turbines can be placed in pipelines carrying clean water to create energy; however, the solids in the SCVSD sewers and pressurized lines (force mains) would not be compatible with such equipment. The RO portion of the advanced treatment facilities will require high pressure pumping and, as part of the design, the SCVSD will consider the inclusion of energy recovery features to recapture energy after the RO process. Reverse osmosis requires high pressure pumping. Energy recovery features to recapture energy after the RO process have been shown to be economically viable in seawater desalination, which operates at higher pressures than the proposed wastewater desalination process that will be operated for the chloride compliance project. As part of the design of the advanced treatment facilities, the SCVSD will consider the inclusion of energy recovery features. There are no other feasible hydroelectric applications for the SCVSD.

6.7.3 Geothermal

Geothermal energy production is accomplished by using high temperature water (brine) extracted from deep in the earth to create steam that then drives a turbine that generates electricity. Economic geothermal power production requires certain subsurface conditions such as relatively shallow, high temperature brine located within a relatively permeable geologic formation. There are currently no geothermal fields near Santa Clarita.

6.7.4 Solar

The use of photovoltaic panels to directly convert sunlight into electric current is the dominant solar power technology and the costs associated with solar power generation have continued to drop over the past few years. Photovoltaic panels, which would each be approximately 5 to 6 feet long and 3 feet wide, would be mounted on rooftops or open space at a fixed angle facing south for maximum sun exposure. The SWRP does not have sufficient space for solar installation. Potential panel locations within the VWRP are shown in Figure 6-7 and described below.

6.7.4.1 Top of the VWRP Flow Equalization Tanks

The existing flow equalization tanks contain a rooftop that is approximately 36,000 square feet. Deducting for access hatches and maintenance areas, a 150 kW ground-based panel system could be placed on top of the equalization tanks and generate 290,000 kWh/yr at a cost of 14 to 16 cents/kWh. This location is technically feasible.

6.7.4.2 South End of VWRP

The south end of VWRP has approximately 57,000 square feet of undeveloped, but previously disturbed land that could accommodate panels after limited grading of the area. A 180 kW ground-based panel system could be placed at this location and generate 350,000 kWh/yr at a cost of 14 to 16 cents/kWh. This location is technically feasible.

6.7.4.3 Roofs of Existing Buildings

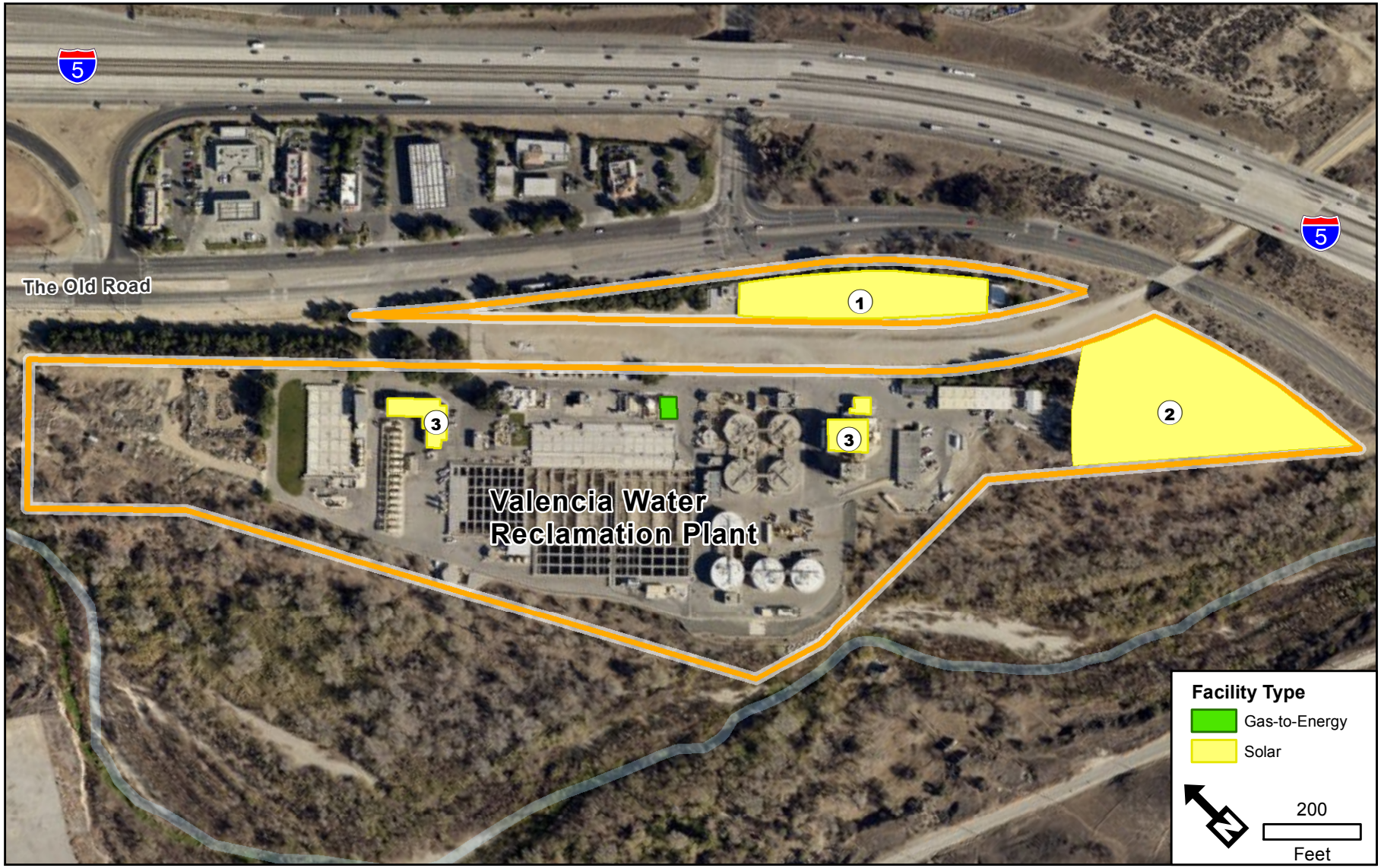
Approximately 3,600 square feet of rooftops at the VWRP could be suitable for solar panel installation based on a preliminary assessment. Using all of this area, a 30 kW roof-based panel system could generate 58,000 kWh/yr at a cost of 19 to 21 cents/kWh. This location is technically feasible.

Collectively, the solar locations could produce about 700,000 kWh/yr. All of the solar locations would be more costly than the SCVSD's current cost for electricity. However, the cost of electricity or solar panels could change and make a solar project more attractive economically.

6.7.5 Gas-to-Energy (Biogas)

An existing treatment process at the VWRP (anaerobic solids digestion) generates digester gas that consists primarily of natural gas (methane) and can be combusted for energy recovery. A portion of the VWRP's digester gas is currently used to create steam for the solids digesters while the remainder is destroyed in a flare. The digester gas could be used to create power by installing a microturbine, an internal combustion reciprocating engine, or similar equipment coupled with a generator. A heat recovery steam generator could also be installed to utilize the waste heat in the exhaust of the power production equipment to produce low-pressure steam for the digesters.

The potential gas-to-energy facilities would be located in the center of the plant, north of the solids digesters and east of the primary sedimentation tanks (see Figure 6-7). These facilities would be capable of handling 220 cubic feet per minute of digester gas to generate up to 800 kilowatts of electricity (about 6,700,000 kWh/yr). A preliminary analysis indicated that such an installation may be economical; however, further economic evaluation is needed before a recommendation can be made on whether to implement a gas-to-energy project.



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking

Figure 6-7

Locations of Potential Renewable Energy Facilities

One option for increasing biogas production is accepting processed food waste at the VWRP. Current California policies and regulations encourage diversion of food waste from landfills, and wastewater treatment facilities are considered an option for receiving food waste. A demonstration project is underway at the Sanitation Districts' Joint Water Pollution Control Plant in Carson where processed food waste is hauled to the site to boost digester gas production. The viability of a food waste project at the VWRP to enhance biogas production will be evaluated as technologies, regulations and markets develop.

6.7.6 Summary of Renewable Energy

Solar and gas-to-energy systems at the VWRP are technically feasible and would reduce the amount of power that the SCVSD needs to purchase. However, the cost of solar power would exceed the SCVSD's current cost of electricity. Future electricity cost increases, decreases in solar panel costs, or receipt of grant funding could make solar more attractive economically. Preliminary analysis of a gas-to-energy system indicated that such an installation may be economical; however, further evaluation is needed before a recommendation can be made on whether to implement a project. To enable timely implementation of a renewable energy project, the environmental impacts of installing solar photovoltaic panels and a gas-to-energy microturbine at the VWRP are analyzed in this SEIR. Any necessary additional CEQA analysis will be completed before implementation.

6.8 ALTERNATIVES TO LESSEN THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. As indicated in Section 3 and the Initial Study (Appendix A), the project would not result in any significant effects; thus, additional consideration of alternatives to lessen impacts is not required.

6.9 ENVIRONMENTAL ANALYSIS OF ALTERNATIVES

Earlier in this section, alternatives that would potentially meet project objectives were identified and evaluated. Ultimately, three final alternatives were evaluated and the alternative involving brine trucking to the JWPCP was determined to be superior and became the proposed project. Below is a comparative analysis of environmental impacts of the No Project Alternative relative to the recommended project. Comparative analyses of the two inferior final alternatives (discarded alternatives)—Brine Trucking to the Pomona WRP and use of a crystallizer and trucking solids to a landfill—are also provided. This discussion covers the seven environmental resource areas where there is the most likelihood of a difference in impacts between the recommended project and the alternative.

6.9.1 No Project Alternative

Under the No Project Alternative, the chloride compliance project as revised by the proposed project modification described in Section 2 (proposed project) would not be constructed. Without the proposed project, the SCVSD would be unable to comply with the 100 milligrams per liter (mg/L) chloride limit required by the Chloride TMDL.

6.9.1.1 Aesthetics

Potential aesthetic changes would not occur under the No Project Alternative because no facilities would be constructed. Therefore, the No Project Alternative would have fewer aesthetic impacts than the proposed project.

6.9.1.2 Air Quality

The No Project Alternative would not involve any new construction or operational activities. Consequently, air quality impacts associated with construction and additional operational activities would not occur under this alternative. Therefore, the No Project Alternative would have fewer air quality impacts than the proposed project.

6.9.1.3 Biological Resources

The No Project Alternative would not include any new construction or operational activities that could impact birds or other wildlife species. The chloride levels currently discharged to the river under the No Project Alternative are not expected to adversely affect biological resources. Therefore, the No Project Alternative would have fewer biological resources impacts than the proposed project.

6.9.1.4 Energy/Greenhouse Gas Emissions

The No Project Alternative would not involve any new construction or operational activities that would result in additional energy consumption and GHG emissions. Therefore, the No Project Alternative would have fewer energy and GHG emission impacts than the proposed project.

6.9.1.5 Hydrology and Water Quality

The No Project Alternative would not involve construction or operational activities that would result in disturbing soils that could lead to erosion and stormwater pollution. However, by not constructing the modified compliance project, the reduced chemical use and higher quality effluent produced by UV disinfection would not be obtained. Further, by not implementing the chloride compliance project, chloride levels would exceed the water quality limit for chloride. By definition, exceedance of an environmental regulation results in a significant impact. Therefore, the No Project Alternative would result in a new significant impact and greater impact to water quality than the proposed project.

6.9.1.6 Noise

The No Project Alternative would not involve any construction or operational activities that would produce noise. Therefore, the No Project Alternative would result in fewer noise impacts than the proposed project.

6.9.1.7 Transportation/Traffic

The No Project Alternative would not involve any construction or operational activities that would result in traffic trips during construction and operation of the proposed project. Therefore, the No Project Alternative would result in fewer transportation and traffic impacts than the proposed project.

6.9.1.8 Summary of No Project Alternative

The No Project Alternative would result in fewer impacts than the proposed project in all areas except hydrology and water quality. While the No Project Alternative would avoid a number of impacts deemed less than significant, the No Project Alternative would result in a new significant unavoidable impact to water quality because it would lead to violation of an environmental regulation. Under the No Project Alternative, the SCVSD would not comply with the Chloride TMDL and would be subject to steep fines that Santa Clarita Valley property owners would have to pay. Last, the No Project Alternative does not meet all of the project objectives and is thus infeasible.

6.9.2 Pomona WRP Alternative

Under the Pomona WRP Alternative, the same facilities as the proposed project would be constructed and operated at the VWRP and SWRP. The only difference is that brine would be hauled 61 miles (one-way) from the VWRP to the existing liquid waste disposal station at the Sanitation Districts' Pomona WRP in the City of Pomona. The brine unloaded at this station would travel in sewers that flow directly to the JWPCP. After passing through the JWPCP, the brine would be discharged to the ocean. Because impacts at the VWRP and SWRP would be the same as those for the proposed project, the discussion of this alternative only mentions truck hauling and the brine disposal location.

6.9.2.1 Aesthetics

The Pomona WRP unloading station is close to developed properties to the south and east while the unloading stations for the proposed project are much more remote from neighboring properties. Therefore, the Pomona WRP Alternative would result in greater aesthetic impacts than the proposed project.

6.9.2.2 Air Quality

Compared to the project, the brine trucking operation to Pomona WRP would result in an 8-mile longer haul each way (16 percent farther) and more exhaust emissions from the trucking operation. In addition, brine disposal at the Pomona WRP is likely to necessitate more frequent sewer cleaning and additional maintenance which would result in more equipment emissions. Therefore, the Pomona WRP Alternative would result in greater air quality impacts than the proposed project.

6.9.2.3 Biological Resources

Like the proposed project, no construction would be needed for the Pomona WRP unloading facility. Therefore, the Pomona WRP Alternative would result in similar biological impacts to those of the proposed project.

6.9.2.4 Energy/Greenhouse Gas Emissions

As noted under Air Quality, the Pomona WRP Alternative would require a 16 percent longer haul distance. This longer haul would result in would more fuel consumption and more GHG emissions. Therefore, the Pomona WRP Alternative would result in greater energy and GHG impacts than the proposed project.

6.9.2.5 Hydrology and Water Quality

Like the proposed project, no construction would be needed for the Pomona WRP unloading facility and unloading would occur in a paved area designed to prevent offsite spills. Therefore, the Pomona WRP Alternative would result in similar hydrology and water quality impacts to those of the proposed project.

6.9.2.6 Noise

The Pomona WRP Alternative would pass within a block of residences at two locations. With trucking likely to occur overnight, this alternative has a higher likelihood of generating noise at a sensitive receptor. The Pomona WRP disposal station also has two developed properties nearby, including the Humane Society, and has a higher likelihood of generating noise at a neighboring property than the proposed project. Therefore, the Pomona WRP Alternative would result in greater noise impacts than the proposed project.

6.9.2.7 Transportation/Traffic

Compared to the proposed project, the Pomona WRP Alternative would result in an 8-mile longer haul distance each way (16 percent farther), and 60 percent more off-highway miles. However, the truck haul operation is anticipated to take place at night and would not require additional traffic trips. Therefore, the Pomona WRP Alternative would result in similar traffic impacts to those of the proposed project

6.9.2.8 Summary of Pomona WRP Alternative

The Pomona WRP Alternative would result in higher impacts than the proposed project to aesthetics, air quality, energy, GHG emissions, and noise. Impacts to biological resources, water quality, and traffic would be similar to those of the proposed project. Overall, the Pomona WRP Alternative would have more environmental impacts than the proposed project.

6.9.3 Crystallizer Alternative

This alternative is the same as the proposed project except that the brine disposal by trucking operation is replaced with the addition of crystallizer equipment at the VWRP to produce solids (salt crystals instead of brine) that would be trucked to a Class I or II landfill that can accept such material. The nearest acceptable landfills are the McKittrick Landfill and Clean Harbors Buttonwillow Landfill. These sites are located in Central California about 100 miles (one-way) from the VWRP.

6.9.3.1 Aesthetics

The crystallizer equipment consists of a 40- to 50-foot high tower that would be taller than other structures at the VWRP and visible from offsite. Like the proposed project, the disposal endpoint is remote and would not be visible from surrounding neighboring properties. Therefore, the Crystallizer Alternative would result in greater aesthetics impacts than the proposed project.

6.9.3.2 Air Quality

The Crystallizer Alternative would require more construction at the VWRP and likely more equipment working onsite at the same time to meet the compliance deadline. As a result, this alternative would result in more air impacts during construction. During operations, this alternative would require only about one quarter of the trucking miles compared to the proposed project, leading to less operational air impacts. Overall, the Crystallizer Alternative would result in less air quality impacts than the proposed project.

6.9.3.3 Biological Resources

The Crystallizer Alternative and proposed project would both fully develop the northern portion of the VWRP, which is currently disturbed but undeveloped. Therefore, the Crystallizer Alternative would result in similar biological impacts to those of the proposed project.

6.9.3.4 Energy/Greenhouse Gas Emissions

Even accounting for the fewer total trucking miles per day, the Crystallizer Alternative would require 20 percent more energy than the proposed project. This increased energy would result in greater GHG emissions during power generation. Therefore, the Crystallizer Alternative would result in greater energy and GHG impacts than the proposed project.

6.9.3.5 Hydrology/Water Quality

Like the proposed project, the Crystallizer Alternative would not require construction outside of the VWRP and SWRP. While this alternative would require more construction at the VWRP, the footprint of construction and potential for erosion and stormwater pollution would not change. Therefore, the Crystallizer Alternative would result in similar hydrology and water quality impacts to those of the proposed project.

6.9.3.6 Noise

The crystallizer equipment would contribute nominal additional noise at the VWRP during its operation. The Crystallizer Alternative and proposed project would both result in minor noise impacts due to their trucking operation. Therefore, the Crystallizer Alternative would result in similar noise impacts to those of the proposed project.

6.9.3.7 Transportation/Traffic

The Crystallizer Alternative would reduce the associated truck traffic from an average of 6 to 0.7 truckloads per day but the haul distance would be twice as long. Overall, this alternative would require only one quarter of the annual miles compared to the proposed project. Therefore, the Crystallizer Alternative would result in less traffic impacts than the proposed project.

6.9.3.8 Summary of Crystallizer Alternative

The crystallizer alternative would result in greater impacts to aesthetics, energy and GHG emissions and fewer impacts to air quality and traffic. Overall, the Crystallizer Alternative would result in greater environmental impacts than the proposed project.

6.9.4 Summary of Environmental Analysis of Alternatives

Early in this section, three final alternatives were identified and analyzed. The preceding environmental analysis evaluates the effects of the No Project Alternative and the two discarded final alternatives—the Pomona WRP Alternative and the Crystallizer Alternative—relative to the proposed project (the JWPCP Alternative). Table 6-3 compares the ability of the No Project Alternative and the three final alternatives to meet project objectives. As described in Section 6.2, the Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document. Thus, none of the alternatives, as currently proposed, would meet the third objective.

Table 6-3. Ability of Project Alternative to Meet Project Objectives

Project Objectives	Proposed Project (JWPCP)	No Project	Pomona WRP	Crystallizer
Provide compliance with the State-mandated Chloride TMDL for SCVSD wastewater treatment and discharge facilities by the State's deadline	Yes	No	Yes	Maybe[a]
Utilize an existing industrial facility for brine disposal	Yes	Yes[b]	Yes	Yes
Provide a wastewater treatment and effluent management program that accommodates recycled water reuse opportunities in the Santa Clarita Valley while protecting beneficial uses of the Santa Clara River	No[c]	No	No[c]	No[c]

[a] The extra time to procure, install and startup the crystallizer system could prevent project completion by the State's compliance deadline.

[b] This alternative received a "yes" because it does not require brine disposal and therefore does not raise the issue of the proper location for such a facility.

[c] This alternative received a "no" because the recycled water reuse component is no longer part of the currently proposed project and would be considered separately as described in Section 6.2.

The Pomona WRP Alternative would meet the first two project objectives. The Crystallizer Alternative might not be able to meet all project objectives because the added time to construct the crystallizer system could prevent project completion by the State's compliance deadline, which could result in steep fines that Santa Clarita Valley property owners would have to pay.

Table 6-4 compares the environmental impacts of the No Project Alternative and the two discarded final alternatives to the proposed project.

Table 6-4. Comparison of Project Alternative Impacts

Criteria	Proposed Project (JWPCP)	No Project	Pomona WRP	Crystallizer
Aesthetics	LTS	+	-	-
Air Quality	LSM	+	-	+
Biological Resources	LTS	+	0	0
Energy / Greenhouse Gas Emissions	LTS	+	-	-
Hydrology / Water Quality	LTS	-	0	0
Noise	LSM	+	-	0
Transportation / Traffic	LTS	+	0	+
Overall Impacts Relative to the Proposed Project	**-**	**Inferior**	**Inferior**	**Inferior**

LTS = Less than significant impact
LSM = Less than significant impact with mitigation
SU = Significant and unavoidable impact
(+) = environmentally superior (lower impact)
(-) = environmentally inferior (greater impact)
(0) = similar impact

6.9.5 Environmentally Superior Alternative

CEQA requires that an EIR identify the environmentally superior alternative of a project other than the No Project Alternative (*CEQA Guidelines* §1526.6[e] [2]). Table 6-4 compares the impacts of the No Project Alternative and the two discarded final alternatives to those of the proposed project. The No Project Alternative would avoid all construction and operation impacts but would result in non-compliance with the Chloride TMDL. Further, the No Project Alternative would not meet the primary objective to provide compliance with the Chloride TMDL.

The Pomona WRP Alternative would meet the first two project objectives but would result in greater impacts relative to the proposed project. The Crystallizer Alternative might not be able to meet all of the objectives because the added time to construct the crystallizer system could prevent project completion by the State's compliance deadline. Relative to the proposed project, the Crystallizer Alternative would have less traffic and operational air impacts, but would have greater aesthetic impacts, construction air impacts, energy impacts, and GHG impacts. For these reasons, the Crystallizer Alternative is rated inferior to the proposed project in terms of environmental impacts. The proposed project (JWPCP Alternative) is thus the environmentally superior alternative.

7
RESPONSES TO COMMENTS

7.1 INTRODUCTION

The Draft Supplemental EIR was made available for public review and comment on November 17, 2015, for a 53-day review period that ended on January 8, 2016. A Notice of Completion of the Draft Supplemental EIR was filed with the State Clearinghouse at the Governor's Office of Planning and Research on November 17, 2015, along with 15 electronic copies of the Draft Supplemental EIR and 15 hard copies of the Executive Summary, for distribution to state agencies. The Notice of Availability (NOA) of the Draft Supplemental EIR was filed with the Los Angeles County Clerk on November 17, 2015. The NOA was mailed and/or emailed to approximately 975 interested parties. The NOA and Draft Supplemental EIR were also made available on the Sanitation Districts' website, and hard copies of these documents were made available for review at the Sanitation Districts headquarters in Whittier, the City of Santa Clarita City Hall Public Counter, the Valencia Library, and the Stevenson Ranch Library.

The SCVSD conducted two public hearings to receive verbal and written comments on the Draft Supplemental EIR. A one-hour open house was conducted prior to the public hearings to allow members of the public to discuss the project with SCVSD staff. Advertisements announcing the following public hearings were placed in the Santa Clarita Valley Signal and Santa Clarita Gazette on December 8, 2005:

December 10, 2015 at 7:30 p.m.
Santa Clarita Activities Center
20880 Centre Pointe Parkway
Santa Clarita, CA 91350

December 16, 2015 at 7:30 p.m.
Stevenson Ranch Elementary School
25820 Carroll Lane
Stevenson Ranch, CA 91381

The SCVSD received 4 written comment agency letters, 3 written comment public letters, and multiple oral comments from six total members of the public at the two hearings mentioned above. These comment letters and oral comments totaled to 139 individual comments on the Draft Supplemental EIR during the public review period**.** Table 7-1 below presents a list of agencies and members of the public who commented on the Draft Supplemental EIR.

Table 7-1 List of Comment Letters Received on the SCVSD Chloride Compliance Facilities Plan and EIR

Commenter Agencies	Source of Comment	Date Received (2015/2016)
Federal		
A1	U.S. Department of Homeland Security, Federal Emergency Management Agency	December 2
State		
A2	State Water Resources Control Board	December 8
Local		
A3	County of Los Angeles, Fire Department	December 10
A4	Los Angeles Regional Water Quality Control Board	January 8
Public		
P1	Santa Clarita Organization for Planning and the Environment (SCOPE)	January 8
P2	Silverstein Law	January 8
P3	Cameron, Allan	Undated
Hearing		
H1	Alan Ferdman (P4), Steven Hanauer (P5), Allan Cameron (P6), Cam Noltemeyer (P7), Steve Petzoldt (P8)	December 10
H2	Ingrid Van Doren (P9)	December 16

Responses to all comments received have been prepared and are included in this section on the subsequent pages. Based on some of these comments, minor revisions were made in the Supplemental EIR and documented therein. These revisions did not involve substantive changes (i.e., changes in impact determinations) to the Draft Supplemental EIR. Copies of letters, public hearing transcripts, and comment cards containing the comments are provided below with responses directly following each comment.

7.2 AGENCIES

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Commenter A1, U.S. Department of Homeland Security, Federal Emergency Management Agency – Gregor Blackburn, CFM, Branch Chief, Floodplain Management and Insurance Branch

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

December 2, 2015

Bryan Langpap, P.E., BCEE
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, California 90601

Dear Mr. Langpap:

This is in response to your request for comments regarding Public Notice of Availability – Santa Clarita Valley Sanitation District Supplemental Environmental Impact Report for Brine Concentration and Limited Trucking (Draft), County of Los Angeles.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Los Angeles (Community Number 065043), Cities of Whittier (Community Number 060169) and Santa Clarita (Community Number 060729), Maps revised September 26, 2008. Please note that the Cities of Whittier and Santa Clarita, Los Angeles County, California are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65. A1-1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map. A1-2

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. A1-3

DOC # Langpap, B

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. A1-4

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm. A1-5

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Whittier floodplain manager can be reached by Director, Public Works, at (562) 567-9500. The Santa Clarita floodplain manager can be reached by calling Christina Monde, Associate Engineer, at (661) 255-4959. The Los Angeles County floodplain manager can be reached by calling George De La O, Senior Civil Engineer, at (626) 458-7155. A1-6

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Director, Public Works Department, City of Whittier
Christina Monde, Associate Engineer, City of Santa Clarita
George De La O, Senior Civil Engineer, Watershed Management Division, Los Angeles County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Region Office
Michael Hornick, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Response to Comment A1-1

The comment requests that the applicable Flood Insurance Rate Maps (FIRMs) be reviewed.

As noted in Section 9 of the Initial Study (Appendix B) for the Draft Supplemental EIR, the Valencia Water Reclamation Plant is noted as being adjacent to a 100-year floodplain caused by the presence of the Santa Clara River, as shown on applicable FIRMs. The proposed compliance project does not include any component within the 100-year floodplain.
No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A1-2

The comment identifies a construction requirement for buildings within a riverine floodplain.

As discussed in the Response to Comment A1-1, the project is outside the 100-year floodplain. Thus, this requirement is not applicable.
No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A1-3

The comment identifies a construction requirement that any development must not increase base flood elevation levels.

As discussed in the Response to Comment A1-1, the project is outside the 100-year floodplain. Thus, this requirement is not applicable.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A1-4

The comment identifies construction requirements for any buildings within a coastal high hazard area.

The project is 40 miles from the coast and does not lie within a coastal high hazard area. Thus, this requirement is not applicable.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A1-5

The comment identifies requirements for any development that changes existing Special Flood Hazard Areas.

As discussed in the Response to Comment A1-1, the project is outside the 100-year floodplain. Thus, this requirement is not applicable.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A1-6

The comment provides information about coordinating with the Los Angeles County floodplain manager to ensure that local floodplain management building requirements are met.

During design of the project, the design engineer will contact the Santa Clarita floodplain manager and the County floodplain manager about any more restrictive building requirements.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Commenter A2, State Water Resource Control Board, Amanda Dwyer, Environmental Scientist

Comment Letter A2

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

DEC 0 8 2015

Mark Giljum
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 91355

Dear Mr. Giljum:

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR SANITATION DISTRICTS OF LOS ANGELES COUNTY (DISTRICT); SANTA CLARITA VALLEY SANITATION DISTRICT CHLORIDE SUPPLEMENTAL EIR FOR THE BRINE CONCENTRATION AND LIMITED TRUCKING PROJECT (PROJECT); LOS ANGELES COUNTY; STATE CLEARINGHOUSE NO.2012011010

We understand that the District is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project (CWSRF No. C-06-8035-xxx). As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the SEIR to be prepared for the Project.

The State Water Board, Division of Financial Assistance, is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state. The CWSRF Program provides low-interest funding equal to one-half of the most recent State General Obligation Bond Rates with a 30-year term. Applications are accepted and processed continuously. Please refer to the State Water Board's CWSRF website at: www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/index.shtml. A2-1

The CWSRF Program is partially funded by the United States Environmental Protection Agency and requires additional "CEQA-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

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It is important to note that prior to a CWSRF financing commitment, projects are subject to provisions of the Federal Endangered Species Act (ESA), and must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will consult with the USFWS, and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The District will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects. A2-2

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the District decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report. A2-3

Note that the District will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond Project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity. A2-4

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf): A2-5

A. *Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.*

B. *Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.*

C. *Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.*

D. *Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.*

E. *Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.*

F. *Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.*

G. *Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.*

A2-5

Following are specific comments on the District's draft SEIR:

1. Would there be any biological or water quality issues from the increased brine outflow at the Joint Water Pollution Control Plant?

A2-6

2. Comments on the original EIR claimed that the brine trucking option would have unequal environmental impacts on a low-income and minority community. Additionally, the response to comment A4-3 from the original EIR states that if the brine trucking option is chosen, that a Health Risk Assessment would be conducted. Were these concerns taken into consideration for this EIR? Was the Health Risk Assessment conducted?

A2-7

Please provide us with the following documents applicable to the proposed Project following the District's California Environmental Quality Act (CEQA) process: (1) one copy of the draft and final SEIR, (2) the resolution certifying the SEIR and making CEQA findings, (3) all comments received during the review period and the District's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program (MMRP), and (5) the Notice of Determination filed with the Los Angeles County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

A2-8

Thank you for the opportunity to review the District's draft SEIR. If you have any questions or concerns, please feel free to contact me at (916) (916)341-5686, or by email at Amanda.Dwyer@waterboards.ca.gov, or contact Ahmad Kashkoli at (916) 341-5855, or by email at Ahmad.Kashkoli@waterboards.ca.gov. A2-8

Sincerely,

Amanda Dwyer
Environmental Scientist

Enclosures (3)

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse
(Re: SCH# 2012011010)
P.O. Box 3044
Sacramento, CA 95812-3044

Response to Comment A2-1

The comment provides general information about the Clean Water State Revolving Fund (SRF) Program.

The SCVSD appreciates the information provided by the SWRCB regarding the SRF Program. However, this comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A2-2

The comment briefly describes SWRCB environmental review requirements prior to obtaining a financing commitment for a SRF loan.

The Certified EIR and Supplemental EIR were prepared in conformance with the SWRCB's policy for implementing the SRF Program for construction of wastewater management facilities. The SCVSD will provide the required coordination and documentation to comply with the requirements of the SWRCB after the final project is approved.

Appendix 1-A of the Final Facilities Plan and EIR contained a review of the project report requirements by the SWRCB including applicable references to applicable sections of the Final Facilities Plan and EIR to be used by the SWRCB to ensure compliance with the SRF Program loan requirements. That Appendix 1-A was updated to reflect the modified compliance project addressed in the Supplemental EIR and added as Appendix E to the Final Supplemental EIR.

At the end of Section 1.12 of the Supplemental EIR, a new paragraph is added as follows:

> As documented in Appendix E, the Facilities Plan and EIR, as well as this Supplemental EIR, were prepared in conformance with the State Water Resources Control Board's policy for implementing the Clean Water State Revolving Fund (SRF) Program for construction of wastewater treatment facilities.

Response to Comment A2-3

This comment explains the SWRCB's requirements pertaining to cultural resources.

Potential impacts to cultural resources are addressed in Section 5 of the Initial Study for Supplemental EIR and in Section 12 of the Certified EIR (VWRP impacts for Alternatives 1 through 3 were the same). The SCVSD notes the requirement for a Section 106 compliance report.
No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A2-4

This comment explains the need to identify a three-dimensional APE and related requirements for cultural records searches.

The APE is essentially the larger purple shape on Figure 2-2. The maximum depth of the APE is 18 ft. A records search extending ¼ mile from the project site was completed on November 8-10, 2011. A subsequent search extending ½ mile from the project site was completed on June 29, 2015. No resources were found during either search. The results of these searches will be provided to the SWRCB as part of the Section 106 consultation.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A2-5

This comment explains various federal environmental requirements that must be met prior to obtaining a financing commitment for a SRF loan.

Comment noted. Per the normal procedure, the SCVSD will submit a completed "Environmental Package Checklist" as part of its SRF loan application that will document compliance with the various requirements.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A2-6

The comment asks if there will be any biological or water quality issues from increased brine flow at the Joint Water Pollution Control Plant (JWPCP).

Hydrology and water quality impacts are addressed in Section 9 of the Initial Study found in Appendix B of the Draft Supplemental EIR. The impact of SCVSD brine discharged to the JWPCP's ocean outfalls is addressed in sub-item a) on page IS-17. In short, because the JWPCP processes about 270 million gallons per day into which the SCVSD's 0.03 million gallons per day of concentrated brine would be added, "disposal of concentrated brine at the JWPCP would raise salinity of the JWPCP by less than one percent and would not impair the ability of the JWPCP to meet its NPDES permit for discharge to the ocean."

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A2-7

This comment refers to previous comments on the certified EIR regarding unequal environmental impacts of brine trucking on a low-income and minority community, as well as the need to perform a Health Risk Assessment (HRA) if a trucking option is chosen.

The original comment A4-3 from South Coast AQMD recommended that SCVSD perform a Health Risk Assessment (HRA) for the original brine trucking option given the number of proposed trucks (average of 60 round-trips per day with a maximum of 90) that would travel near residences. Because the original trucking option was eliminated from consideration, Response to Comment A4-3 stated that the SCVSD would re-evaluate the need for an HRA if brine disposal via trucking were again deemed necessary. Due to the limited number of trucks in the current proposal (average of 6 round-trips per day with a maximum of 10) and routes that do not pass residences, significant health impacts are avoided. Note that the South Coast AQMD, which raised the issue of an HRA in its comments on the original Certified EIR, did not comment on the Draft Supplemental EIR with the significantly reduced trucking option.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A2-8

This comment requests that copies of various documents be provided to the SWRCB following completion of CEQA. The comment also requests notification of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board.

The SCVSD will provide the requested documents and notifications.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Commenter A3, Los Angeles County Fire Department, Kevin T. Johnson, Acting Chief, Forestry Division

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

December 10, 2015

Bryan Langpap, Supervising Engineer
Santa Clarita Valley Sanitation District
Planning Section
1955 Workman Mill Road
Whittier, CA 90601

Dear Mr. Langpap:

NOTICE OF AVAILABILITY, "BRINE CONCENTRATION AND LIMITED TRUCKING", REPLACES BRINE MANAGEMENT BY DEEP WELL INJECTION WITH THE ADDITION OF BRINE CONCENTRATION EQUIPMENT, LIMITED TRUCKING OF CONCENTRATED BRINE TO AN EXISTING INDUSTRIAL FACILITY, SANTA CLARITA (FFER 201500201)

The Notice of Availability has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments: A3-1

PLANNING DIVISION:

1. We have no comments at this time. A3-2

LAND DEVELOPMENT UNIT:

1. The proposed development may necessitate multiple ingress/egress access for the circulation of traffic and emergency response issues. A3-3

2. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants. A3-4

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3. Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time. A3-5

4. The maximum allowable grade shall not exceed 15% except where topography makes it impractical to keep within such grade. In such cases, an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topographical difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in ten feet. A3-6

5. When a bridge is required to be used as part of a fire access road, it shall be constructed and maintained in accordance with nationally recognized standards and designed for a live load sufficient to carry a minimum of 75,000 pounds. All water crossing designs are required to be approved by the public works department prior to installation. A3-7

6. Provide three sets of alternate route (detour) plans with a tentative schedule of planned closures prior to the beginning of construction. Complete architectural/ structural plans are not necessary. A3-8

7. Temporary bridges shall be designed, constructed, and maintained to support a live load of at least 70,000 pounds. A minimum vertical clearance of 13 feet 6 inches will be required throughout construction. A3-9

8. The County of Los Angeles Fire Department's Land Development Unit's comments are only general requirements. Specific fire and life safety requirements will be addressed at the building and fire plan check phase. There may be additional requirements during this time. A3-10

9. The County of Los Angeles Fire Department's Land Development Unit appreciates the opportunity to comment on this project. A3-11

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

1. The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed. A3-12

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division (HHMD) of the Los Angeles County Fire Department previously provided our comments regarding this project in September 2015. HHMD has no additional comments at this time. A3-13

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

KEVIN T. JOHNSON, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

KTJ:ad

Response to Comment A3-1

The comment simply states that the Notice of Availability has been reviewed by several County of Los Angeles divisions.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-2

The comment simply states that this division has no comments that this time.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-3

The comment states that the proposed development may require multiple ingress/egress for traffic circulation and emergency response.

The SCVSD will coordinate with the County of Los Angeles during design and permitting phases of the project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-4

The comment states that the proposed development must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.

The SCVSD will coordinate with the County of Los Angeles during design and permitting phases of the project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-5

The comment states that specific fire and life safety requirements for construction may be imposed.

The SCVSD will coordinate with the County of Los Angeles during building fire plan check phase of the project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-6

The comment outlines maximum allowable grades based on site topography.

The SCVSD will coordinate with the County of Los Angeles during design and permitting phases of the project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-7

The comment outlines technical requirements for any bridge to be used as part of a fire access road.

The project does not include any bridges.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-8

The comment requests submittal of alternate route (detour) plans with a tentative schedule of planned closures before construction begins.

The SCVSD will coordinate with the County of Los Angeles during design and permitting phases of the project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-9

The comment outlines technical requirements for temporary bridges.

The project does not include any bridges.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-10

The comment states that additional fire and life safety requirements may be imposed during plan check.

The SCVSD will coordinate with the County of Los Angeles during building fire plan check phase of the project.

No revisions to the Draft Supplemental EIR are required in response to this comment

Response to Comment A3-11

The comment simply states that the County of Los Angeles Fire Department Land Development Unit appreciates the opportunity to comment on the project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-12

This comment identifies several environmental areas over which the Forestry Division has statutory oversight, including erosion control, watershed management, rare and endangered species, vegetation, fuel modification for fire zones, archeological/cultural resources, and the county oak tree ordinance.

Please see the Initial Study in Appendix B for complete treatment of these areas.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A3-13

The comment simply states that the HHMD has no comments in addition to those previously provided.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Commenter A4, Los Angeles Regional Water Quality Control Board – Cris Morris, P.E., Chief

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

January 8, 2016

Bryan Langpap, P.E., BCEE
Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601

COMMENTS ON SANTA CLARITA VALLEY SANITATION DISTRICT (SCVSD) SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR BRINE CONCENTRATION AND LIMITED TRUCKING (SCH# 2012011010)

The Regional Water Board understands that SCVSD plans on modifying its proposal for attaining compliance with the Total Maximum Daily Load-based chloride final effluent limitation contained in the National Pollutant Discharge Elimination System (NPDES) permits for its Valencia and Saugus Water Reclamation Plants (WRPs), while still meeting the compliance deadlines. SCVSD is abandoning its prior proposal to dispose of the brine via deep well injection and is instead recommending that the brine be concentrated and trucked to an industrial facility for disposal. The SEIR prepared by SCVSD considers three separate alternatives, but recommends the concentration and trucking alternative.

Section 2.4 Description of Proposed Project (page 2-5) reads: "When the chloride compliance facilities begin operating in 2019, the wastewater flow to the two WRPs is expected to be 22 mgd (or 80 percent of capacity), resulting in 5 truckloads per day on average, with a maximum of 8. Trucks would be loaded with concentrated brine at a new truck loading station located adjacent to the brine concentration equipment (see Figure 2-4). The SCVSD would truck during off-peak hours to avoid morning and evening rush hours…. Concentrated brine would be trucked to an existing industrial facility. The currently proposed location is the JWPCP in Carson, which treats wastewater from much of the Los Angeles Basin (over 270 million gallons per day) and discharges to the ocean."

A4-1



SCVSD Chloride Compliance SEIR for Brine Concentration and Limited Trucking
Figure 2-4
Valencia WRP Facilities

However, the Los Angeles Regional Water Quality Control Board requests that additional details be provided on the modified project.

Comments:

1. As depicted in Figure 2-4 of the SEIR, the new truck loading station will be located in close proximity to the Santa Clara River. SCVSD should include containment features in the design of the truck loading station, to prevent spills of concentrated brine from accidentally entering the Santa Clara River. A4-2

2. Since the trucking activity at the Valencia WRP is scheduled to take place during off-peak hours, SCVSD should discuss whether or not the truck loading facility includes a storage tank to store the concentrated brine during the peak hours. SCVSD should also mention whether the truck receiving activity at the Joint Water Pollution Control Plant (JWPCP) also takes place during off-peak hours. A4-3

3. The SEIR did not identify the volumetric holding capacity of the trucks that will be used to transport the concentrated brine to the JWPCP facility. However, it was mentioned that six trucks would be used to haul away 33,000 gallons of concentrated brine. Going by these figures, each of the six trucks should be able to hold at least 5,500 gallons. It is important to know how much volume each truck can hold to prevent overflow and spills during the filling operation. A4-4

4. The SEIR did not describe the methodology that would be utilized by SCVSD for tracking the volumes of concentrated brine that would be hauled away from the Valencia WRP and delivered to the Joint Outfall System (JOS) JWPCP facility. SCVSD should discuss whether meters will be installed at the Valencia WRP and how the amount of hauled waste accepted at the JWPCP is currently being recorded. A4-5

5. The SEIR also lacked information regarding the concentration of chloride and other parameters that will be present in the concentrated brine solution. SCVSD should evaluate whether or not the anti-scaling chemicals, proposed for softening the concentrated brine, will have any water quality impacts. A4-6

6. SCVSD should discuss whether any modeling has been done to predict the effect that the concentrated brine would have on the quality of the effluent at the JWPCP facility, also referred to as the existing industrial facility, and.whether the concentrated brine would in any way affect the dilution factor used at the JWPCP. SCVSD or JOS should include the relevant information regarding the quality and composition of the concentrated brine in the Report of Waste Discharge (ROWD) and submit it to the appropriate Regional Water Board staff so that it is available prior to the renewal of the existing NPDES permit for the JWPCP facility. A4-7

7. Page 3.1-17 of the SEIR describes that the project, “would involve the disturbance of an area that is approximately 2.5 acres in size.” Since the proposed construction site is larger than one acre in size, prior to initiating grading operations, SCVSD must submit a Notice of Intent to apply for coverage under the State Water Board’s NPDES General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities, Order No. 2012-0006-DWQ (NPDES No. CAS000002). A4-8

8. Page 4-6 of the SEIR describes that, "The only projects in the immediate vicinity of the VWRP or SWRP that could result in cumulative impacts are the Retaining Wall and Old Road Widening projects. The Retaining Wall Project will extend the VWRP's retaining wall northward. The top of the wall will be at plant elevation, so the wall will only be potentially seen from the west at Magic Mountain. Given the distance and intervening trees, this wall is expected to be barely visible." However, prior to building the retaining wall, SCVSD should investigate whether a 401 Certification would be required from the appropriate section of the Regional Water Board or whether any permitting action would be required from the US Army Corps of Engineers. A4-9

Other Design Comments:

1. SCVSD should provide the latitude and longitude coordinates as well as a narrative description of the new sampling location for collecting the final effluent water quality samples when the ultraviolet (UV) light disinfection facilities replace the chlorine-based disinfection systems at both the Valencia and Saugus WRPs. SCVSD should also discuss whether the final effluent flow meter will be re-located at the Valencia and Saugus WRPs. A4-10

2. As the UV design approaches completion, SCVSD must submit revised process flow diagrams for the Valencia and Saugus WRPs, together with revised Reports of Waste Discharge, to the Regional Water Board so that the NPDES permits may be revised to reflect the changes in wastewater treatment. A4-11

If you have any questions, please contact Veronica Cuevas at (213) 576-6662 or Cris Morris at (213) 620-2083.

Sincerely,

Cris Morris, P.E., Chief
Municipal Permitting Unit

Response to Comment A4-1

This comment restates the SCVSD's proposed project.

Comment noted. No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A4-2

This comment states that SCVSD should include spill containment features in design of the truck loading station.

As a project design feature, the SCVSD's intends to design and construct all facilities in a manner to prevent spills of brine or chemicals used during treatment from reaching the river. This intent was expressed in Section 2.4 ("All chemical storage tanks associated with brine concentration facilities would be provided with secondary containment in case of spill or storage container rupture") and on pages IS-14 and 15 of the Initial Study. To clarify the SCVSD's intent to provide protection for brine spills as well as chemicals, the following text has been added to Section 2.4 after the text quoted above:

> "Further, the design of the loading station will include features to prevent brine spills from entering the Santa Clara River."

Response to Comment A4-3

This comment states that SCVSD should discuss any storage for brine as well as clarify whether unloading at JWPCP will also be during off-peak hours.

Storage tanks for concentrated brine are part of the ancillary facilities. Section 2.4 has been revised as follows:

> "Ancillary work includes limited grading, construction of buildings and canopies to protect certain equipment from the elements, construction of storage tanks for concentrated brine**,** and installation of yard piping, stormwater management facilities, and electrical facilities."

Upon reaching the JWPCP, brine trucks would unload at an existing disposal station and then return to the VWRP for another load (except potentially at the end of a shift). Because trucking would occur during off-peak hours as noted in Section 2.4, the truck receiving activity would necessarily also occur during off-peak hours.

Response to Comment A4-4

This comment requests the SCVSD to identify the anticipated truck capacity and notes the importance of preventing overflows during loading.

The SCVSD anticipates using trucks with 5,500 gallon capacity as noted in Section 6.6.1 of the Draft Supplemental EIR. The truck loading facility and its operation will be designed to avoid overflows, minimize spillage, and contain any spills that may occur.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A4-5

This comment requests the methodology for measuring and recording the volume of brine trucked.

These recordkeeping procedures do not have bearing on the potential environmental impacts of the project and were thus not included in the Draft Supplemental EIR. However, existing procedures are in place to track the volumes and types of hauled waste accepted at JWPCP. Information about acceptance of hauled waste at JWPCP can be found on our website at http://www.lacsd.org/wastewater/industrial_waste/liquid_waste_disposal/default.asp.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment A4-6

This comment asks for expected concentrations of chloride and other parameters in the brine and if anti-scaling chemicals will impact water quality.

The anticipated chloride concentration of the concentrated brine is approximately 17,000 mg/L. As noted on page IS-17 of the Initial Study, disposal of concentrated brine at the JWPCP would raise salinity of the JWPCP effluent by less than one percent and would not impair the ability of the JWPCP to meet its NPDES permit for discharge to the ocean.

The types and doses of anti-scalants have not been determined. The SCVSD will select products and utilize doses that enable compliance with the water quality requirements in the VWRP and JWPCP NPDES permits.

No revisions to the Supplemental EIR are required in response to this comment.

Response to Comment A4-7

This comment asks the SCVSD to discuss any modeling of the effect that disposal of concentrated brine would have on the JWPCP effluent quality and whether such disposal would affect the dilution factor. The comment also requests submission of certain information prior to the next renewal of the JWPCP NPDES permit.

A spreadsheet model was used to predict the concentrations of pollutants in the concentrated brine. Based on this information, it was determined that acceptance of concentrated brine at JWPCP would not adversely impact compliance of the JWPCP with applicable discharge standards. Regarding the JWPCP dilution factor, as noted on page IS-17 of the Initial Study, disposal of concentrated brine at the JWPCP would raise salinity of the JWPCP effluent by less than one percent and would therefore not be expected to have a noticeable effect on the dilution factor used at the JWPCP. Information on brine composition will be submitted to the Regional Board prior to next renewal of the JWPCP NPDES permit.

No revisions to the Supplemental EIR are required in response to this comment.

Response to Comment A4-8

This comment states that the project area is greater than 1 acre which requires that SCVSD apply for coverage under the State Water Board's NPDES General Permit For Storm Water Discharges Associated With Construction And Land Disturbance Activities.

Comment noted. No revisions to the Supplemental EIR are required in response to this comment.

Response to Comment A4-9

This comment states that SCVSD should investigate the need for a permit from the Corps or the Regional Board for the construction of the retaining wall.

On December 30, 2015, Timothy Jackson of the United States Army Corps of Engineers (USACE) determined that the retaining wall project was outside USACE jurisdiction and did not require a Section 404 permit. Consequently, a 401 certification for the retaining wall project is not required.

No revisions to the Supplemental EIR are required in response to this comment.

Response to Comment A4-10

This comment requests information regarding new sampling locations at Saugus and Valencia WRPs as a result of the change in disinfection equipment and whether the effluent flow meter will be relocated.

The requested information does not have bearing on the potential environmental impacts of the project. However, such information will be provided to the Regional Board prior to commencing operations of the new facilities.

No revisions to the Supplemental EIR are required in response to this comment.

Response to Comment A4-11

This comment requests the SCVSD to submit updated process flow diagrams for both plants to the Regional Board along with revised ROWDs as the UV design approached completion.

The SCVSD will submit the information as requested.

No revisions to the Supplemental EIR are required in response to this comment.

7.3 PUBLIC

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Commenter P1, Santa Clarita Organization for Planning and the Environment (SCOPE)

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



1-8-16

Los Angeles County Sanitation Districts
1955 Workman Mill Road,
Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998,
Whittier, CA 90607-4998

Delivered via email to: mgiljum@lacsd.org

Re: Comments on the Santa Clarita Valley Sanitation District Supplemental Environmental Impact Report for Concentrated Brine Trucking

Mr. Mark Giljum:

We appreciate the Sanitation Districts' willingness to abandon the deep well injection proposal and the many problems it would have created. We support a proposal to truck more concentrated brine to the nearest brine line location as the safest method of brine disposal presented to the public at this time. However, we still make the following comments on what we see as inadequacies in the DEIR, and ask that you correct these issues. It is our hope that these comments will result in a safer and more environmentally sensitive project. P1-1

Paleontological Resources

The current NEW proposal includes adding additional brine facilities in a sensitive part of the Santa Clara River. The DEIR proposes mitigation for any discovery of burial grounds or other artifacts by stopping the project and removing the artifacts. We do not see where in the DEIR the Native American tribes in the area were notified or commented on this proposal. It is imperative that this issue be addressed before any project approval so that delays in project implementation can be avoided as well as protecting the treasures of the Native American heritage on the Santa Clara River. P1-2

GHG Generation and Air Pollution

The DEIR claims that both the air pollution and GH Gases generated by this project will be less than the level of significance. The majority of both these pollutants will apparently be generated as a result of the energy needed to extract the brine.

The Appendix C to which the reader is referred for detailed calculations of air pollutant and green house gas generation is composed mainly of pages and pages (all unnumbered and therefore hard to reference) of analysis of the relatively small construction impacts. There is no documentation as to how the GHG figures were generated that we could find. Please P1-3

provide that information to the public and other commentators before this document is finalized. P1-3

While it is obvious that fewer trucks will generate less air quality impacts than the alternative in the previous project, there was no mention of the increased energy needed to reduce and concentrate the brine.

The original EIR did not do a very good job of discussing this issue. This is the next administrative approval and the circumstances have changed, so we ask that the analysis for GHG generation from energy use be properly analyzed. P1-4

Whether or not the analysis finds that there is a "significant" impact, there will be an increase to these pollutants. If we are truly to address this problem as Gov. Brown committed California to do in the recent Paris talks, it is imperative that every effort be made to reduce future GH generation. To address this issue, we ask that the Sanitation Districts commit to:

- making this facility a LEED Standard building, using all available technology to create the greatest energy efficiencies in indoor and outdoor lighting, and equipment P1-5
- and, to the use of renewable energy sources such as solar panels

While we applaud the DEIRs statement that the Sanitation District will try to use solar panels, this should be included as a firm commitment and a mitigation measure. Without a commitment to renewable energy, the risk is too large that it will not happen. P1-6

We must begin to address Climate Change in every aspect of our society and at every opportunity if we are to really reduce future temperature increase.

Biological Impacts

The DEIR states that there will be no encroachment into the Santa Clara River[1]; however maps outlining the new facilities show a definite encroachment into the Santa Clara River[2]. P1-7

We applaud the Districts' effort to remain within the existing footprint, but since that is not what appears on the map, we request that a more detailed map of the project area showing that the facility will NOT be impacting the Santa Clara River or its tributaries be included in the FIER to legally ensure this is the intent of the Districts.

The \biological section of the DEIR later states that:

> "The Retaining Wall Project will require some removal of native vegetation but the area of impact is small and the impact is less than significant."[3] P1-8

[1] "The geographic scope for cumulative biological impacts is the VWRP, SWRP, JWPCP and immediately adjacent areas. At the SWRP, the project would not disturb any vegetation and is not expected to have any biological impact. The VWRP is adjacent to the Santa Clara River; however, the proposed project would not encroach upon the river or its riparian vegetation." DEIR at p.4-7)

[2] See Figures ES-2 and 3.3

[3] DEIR 4-7

The NOP and Initial Study for this project also claimed that there would be no significant impact to endangered species or changes to a river or tributary[4], conveniently failing to describe and then ignoring the impacts from the new "retaining wall" which is in fact a flood control structure. Nowhere does the DEIR disclose that this wall is in fact a flood control structure that will encroach into the Santa Clara River, as we find out only later in an entirely different project.

It appears that the Sanitation District has intentionally lied to the public in its EIR process, failed to disclose this significant impact and then try to cover up the matter by secretly approving an addendum regarding this matte in an entirely different venue.

After this DEIR was released, at a Sanitation District meeting held in Whittier on Dec. 2nd, 2015 and poorly noticed to the public the District apparently tried to secretly rectify this problem by adding an addendum without public notification or circulation to an old expansion EIR approved in 1998, almost 20 years ago and illegally approve the release of bids for this contract. Agenda Item Number 6 reads:[5]

> The proposed Retaining Wall Extension project would extend an existing retaining wall at the Valencia WRP and includes related grading and storm drain system modifications. On January 29, 1998, the Board approved the Final 2015 Santa Clarita Valley Joint Sewerage System Facilities Plan and certified the associated EIR (2015 Plan and EIR). Part of the approved project is extension of the Valencia WRP's retaining wall for protection from flooding of the Santa Clara River and to permit grading behind the retaining wall to create space for future facilities. The District now desires to implement the retaining wall and associated grading components of the previously approved project. The 2015 Plan and EIR identified the environmental impacts of the approved project including construction of the retaining wall and site grading. Due to the time that has passed since the 2015 Plan and EIR were completed, an Addendum to the EIR was prepared to investigate whether any changes in the environmental setting might affect the impacts previously identified. More imported soil is required for grading than previously projected and the Addendum investigated potential changes in impacts due to increased import of soil. The Addendum concludes that no new significant impacts would result from implementing the Retaining Wall Extension and that preparation of a subsequent EIR is not required. Addendum No. 1 is attached to the agenda."

P1-8

A SCOPE member appeared at this meeting, objecting both to the process and the document itself. Among other issues, she orally addressed the fact that the 1998 EIR (which was not available to the public or the decision makers during the meeting) was extremely out dated and could not have addressed green house gas issues, also not addressed in the addendum. She said the addendum document failed to address impacts to the river, where the substantial fill for the project would come from (it should be noted that no importation of fill dirt or filling the flood plain was mentioned in the new Supplemental DIER) and air quality issues.

In short, this addendum was a secret attempt to correct serious deficiencies in the Supplemental DEIR after the DEIR was released. It is an illegal piece-mealing of the project, shows an intent to violate the public process through lack of transparency and is just plain unethical.

[4] See pages IS-9 and IS-16

[5] Complete Agenda attached as exhibit 1

Upon review of the 1998 FEIR (not available for attachment digitally, but available at the Sanitation District office and included by reference), the indicated" retaining wall" and facility does not appear on any of the maps that we could find, there is no discussion of down stream flooding or other impacts from the extension of this flood control structure or the other required permitting.

We wish to remind the Sanitation District that any encroachment into the Santa Clara River in this area would require extensive permitting from the Army Corp of Engineers, the State and Federal Fish and Wildlife Departments and the Regional Water Quality Control Board. Since this area of the river is particularly sensitive and known to be habitat for several listed and threatened species, including, but not imitated to the UTS Fish, the Least Bell's Vireo and the Willow flycatcher, complete surveys would have to be conducted before any permits would be granted. P1-8

We therefore ask the these issues, including encroachment into the flood plain, impacts to endangered species, potential downstream flooding, importation of fill dirt, filling of the flood plain and any other undisclosed impact be properly disclosed in a re-circulated SEIR. P1-9

Thank you for your time.

Sincerely,



Lynne Plambeck
President

Attachments:
Exh. 1 – Agenda of December 2, 2015 Sanitation meeting, including the addendum.

Response to Comment P1-1

The commenter expresses support for the new compliance approach involving brine concentration and limited trucking but outlines CEQA deficiencies that should be corrected.

Comment noted. No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P1-2

The comment states that facilities will be added to a sensitive part of the Santa Clara River and requests where Native American tribal notification is documented.

Figures ES-2, 2-2 and 2-4 in the Draft Supplemental EIR show a generalized area for the future facilities and were not intended to indicate a precise footprint. The western portion of the VWRP contains a conservation easement deeded to DFW. Project facilities would be developed within the VWRP property and would not encroach upon the conservation easement. Figures ES-2, 2-2 and 2-4 have been revised to show the locations of the proposed facilities more precisely. Further, Figures ES-2 and 2-2 show the conservation easement and illustrate that the project would not encroach upon the conservation easement.

Potential impacts to cultural resources, including tribal resources, are addressed in Section 5 of the Initial Study (Appendix B) and in Section 12 of the Certified EIR. These efforts included Native American consultation.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P1-3

The commenter notes that calculations for air pollutants and greenhouse gases are provided in Appendix C and requests better labeled tables and documentation.

Please see the index of contents for Appendix C at the first page of this appendix. Note that table titles in the index and the numbers at the left side of the index (e.g., “A1” or “C5”) can be used to quickly find the table with the desired content.

The level of notes and documentation provided for these supporting calculations are typical for a CEQA document or other report. If the commenter desires further explanation, please contact the SCVSD office.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P1-4

The commenter states that the energy necessary for performing brine concentration is not stated. The commenter further states that the Certified EIR did not do a good job of disclosing energy impact and requests a better job in the Supplemental EIR.

It is unclear what the commenter found unsatisfactory about the energy analysis in the Certified EIR, which is provided in Section 13 of that document. For each alternative, a table was provided that listed the energy consumption for each project component (e.g., Table 13-3).

In the Supplemental EIR, energy impacts are addressed in Section 3.2. Table 3.2-1 lists energy consumption for revised project components. The MF/RO component on the Certified EIR is equivalent to the microfiltration, nanofiltration and enhanced membrane system. To compare the energy impacts of the new proposal to the original trucking alternative, the MF/RO energy from Table 13-3 of the Certified EIR (6.9 GWh/yr for the original trucking alternative) can be subtracted from the energy used for microfiltration, nanofiltration and enhanced membrane system in Table 3.2-1 of the Supplemental EIR (1.2 + 2.6 + 8.3 = 12.1 GWh/yr for the new proposal), indicating an increase of 5.2 GWh/yr for the new proposal. Adding the energy consumed by trucks, the total energy from the original trucking proposal would increase by 9.6 GWh/yr to 16.5 GWh/yr while the new proposal would increase by 1.4 GWh/yr to 13.4 GWh/yr. Thus, when accounting for trucking energy, the new proposal would consume 3.1 GWh/yr less energy than the original trucking alternative. These items are sufficiently disclosed in the existing documents.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P1-5

The commenter states that it is imperative to make every effort to reduce greenhouse gas emissions despite the level of impact under CEQA and requests that the facility be designed and implemented as a LEED standard building and to use renewable energy resources such as solar panels.

The SCVSD is committed to being a good steward of the environment. To offset the increased power demands of the chloride compliance project, onsite power generation using renewable energy sources is evaluated in Section 6.7.

As noted in Section 6.7.7, solar and gas-to-energy systems at the VWRP are technically feasible and would reduce the amount of power that the SCVSD needs to purchase. However, the cost of solar power would exceed the SCVSD's current cost of electricity. Future electricity cost increases, decreases in solar panel costs, or receipt of grant funding could make solar more attractive economically. Preliminary analysis of a gas-to-energy system indicated that such an installation may be economical; however, further evaluation is needed before a recommendation can be made on whether to implement a project. To enable timely implementation of a renewable energy project, the environmental impacts of installing solar photovoltaic panels and a gas-to-energy microturbine at the VWRP are analyzed in this Supplemental EIR. Any necessary additional CEQA analysis will be completed before implementation.

While being a good environmental steward, the SCVSD must also provide cost-effective solutions to its ratepayers. As noted on page 3.1-27 of the Draft Supplemental EIR, the SCVSD would install energy-efficient equipment (e.g., pumps and motors) to the maximum extent practicable to minimize the project's energy consumption. Note that LEED standards are typically applied to residential and commercial buildings but some LEED principles apply to structures like those proposed by the SCVSD to house piping and equipment. Nonetheless, the SCVSD would consider other energy efficiency features and application of relevant LEED principles during project design. The commenter's request that the SCVSD exceed the requirements of CEQA and make every effort to reduce greenhouse gases is noted and part of the record that will be considered by SCVSD decision makers.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P1-6

The commenter requests a firm commitment to implement solar.

See Response to Comment P1-6 about the current economic viability of solar at the SCVSD's facilities. At this time, staff cannot recommend implementation of solar as an economical option.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P1-7

The commenter notes maps showing encroachment into the Santa Clara River and requests a more detailed map.

The SCVSD's commitment in writing to not develop facilities off of its property or within the DFW conservation easement is legally binding without a detailed map. However, to clarify the footprint of impacts, figures have been modified as described in Response to Comment P1-2.

Response to Comment P1-8

The commenter raises a variety of concerns relative to the construction of the Valencia WRP Retaining Wall. The commenter claims the EIR addendum completed for the wall was a secret attempt to correct deficiencies in the Draft Supplemental EIR.

The Valencia WRP retaining wall project is part of a separate project and has been analyzed using an addendum to an existing EIR. Neither that EIR nor its addendum was the subject of any legal proceeding to challenge them within the applicable limitation period. Those documents are therefore presumed valid. The comment does not address the adequacy of the alternatives and environmental impact analyses of the Supplemental EIR, so no response is necessary. However, to clear up confusion about the retaining wall project, the following clarifications are offered. Note that the "proposed project modification" and "approved project" mentioned below are relative to the approved project in the Santa Clarita Valley Joint Sewerage System Facilities Plan and EIR (2015 Plan and EIR) rather than the chloride compliance project.

The retaining wall is a component of the approved project in the 2015 Plan and EIR that had not been constructed at the time of this writing. This retaining wall will be an extension of the existing wall at the Valencia WRP. The 2015 Plan and EIR can be viewed at http://www.lacsd.org/wastewater/wwpubreports/final2015scv/default.asp. The location of the wall can be viewed in Figure 7-1 of the 2015 Plan and EIR (http://www.lacsd.org/civicax/filebank/blobdload.aspx?blobid=3391). Note that these documents have been available on the District's website for many years. Thus, commenter's claims that the 2015 Plan and EIR was not available and that the wall does not appear on any map are incorrect.

The SCVSD now desires to construct the retaining wall and associated grading portions of that project. The wall would be placed at the same location and would have the same length and height as the wall in the 2015 Plan and EIR. The proposed final grade behind the wall is unchanged; however, the need for imported soil is greater than analyzed in the 2015 Plan and EIR. Construction of the retaining wall is now expected to require 15,000 cubic yards (cy) of soil import. This soil would be imported in approximately 30 truckloads per day over about 35 days rather than the 7 truckloads per day previously analyzed. Thus, the proposed modification to the project approved in the 2015 Plan and EIR (proposed project modification) was to import 15,000

cy of soil. Nowhere in the addendum is it stated or implied that fill would be obtained from the river as the commenter states. To the contrary, the Addendum acknowledges the need to import fill by truck and analyzes the impacts to nearby streets from such truck traffic.

An addendum to the 2015 Plan and EIR (Addendum) was approved by the SCVSD Board on December 2, 2015. As described on page 1 of the Addendum, the Addendum was prepared to identify potential changes in environmental impacts from those identified in the 2015 Plan and EIR due to: (1) the proposed project modification, and (2) potential changes in the environmental setting since the 2015 Plan and EIR were completed. Thus, the Addendum was not prepared "to correct serious deficiencies" in the Draft Supplemental EIR as the commenter states.

The Addendum was considered and approved at an adjourned regular meeting of the SCVSD Board of Directors. The Addendum was mentioned as item 6.a of the meeting agenda. Per Section 15164(c) of the CEQA Guidelines, addenda to existing documents need not be circulated. However, the addendum was attached to the meeting agenda (see beginning at page 7 of the following link: http://www.lacsd.org/civicax/filebank/blobdload.aspx?blobid=11054). Thus, this approval was not completed in secret as the commenter suggests.

The addendum was accompanied by an Initial Study covering all resource areas required by the CEQA Guidelines. The following areas of the Initial Study involved greater discussion and were copied into the addendum itself for the reader's convenience: air quality (p. 1), biological resources (p. 2), cultural resources (p.4), greenhouse gas emissions (p. 4), noise (p. 4), transportation (p. 4), and cumulative impacts (p. 5).

As noted above, the wall location would be as shown in the 2015 Plan and EIR. This location is outside the 100-year floodplain and would not encroach upon the conservation easement mentioned in Rsponse to Comment P1-2. Page 16-14 of the 2015 Plan and EIR addresses "Potential for Reduction in Flood Flow Capacity of the Santa Clara River" and states:

> As described previously, the expansion of the VWRP would be located on the terrace above the 100-year floodplain. Because the retaining wall would be extended to provide only erosion control (and not to expand the building parcel), it would not encroach into the floodplain. Because the VWRP expansion would not occur within the 100-year floodplain and the retaining wall would not encroach into the 100-year floodplain, a less than significant impact to flood flow capacity would result.

As a separate project, the retaining wall project is appropriately mentioned and considered throughout the analyses in the cumulative impacts section (Section 4) of the Draft Supplemental EIR. Because the wall is proposed to be constructed before the chloride compliance facilities, the two projects have limited overlap in impacts as noted in Section 4 of the Draft Supplemental EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P1-9

The commenter notes potential permit requirements.

Comment noted. No revisions to the Draft Supplemental EIR are required in response to this comment

Commenter P2, The Silverstein Law Firm – Robert P. Silverstein

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January 8, 2016

VIA FACSIMILE (562) 699-5422 AND EMAIL

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In care of:

Hon. Hilda Solis
Hon. Michael Antonovich
Hon. Bob Kellar
Hon. Laurene Weste
Santa Clarita Valley Sanitation District
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Re: Objections to Draft Supplemental EIR for Santa Clarita Valley Sanitation District Chloride Compliance Facilities Plan

Honorable Board Members:

This firm and the undersigned represent the Affordable Clean Water Alliance ("ACWA"). ACWA is a coalition of business, environmental, property owner and residential interests in the Santa Clarita Valley and surrounding areas concerned with water supply, quality and cost. ACWA is the Petitioner in current litigation pending against the District entitled Affordable Clean Water Alliance v. Santa Clarita Valley

P2-1

Sanitation District, Los Angeles County Superior Court Case No. BS145869. Attached respectively at Exhibits 1 and 2 hereto are true and correct copies of ACWA's First Amended Petition and Opening Trial Brief, incorporated herein by this reference. We also incorporate herein by reference the certified Administrative Record from the existing litigation against the District regarding its October 28, 2013 certification of the District's Chloride Compliance Facilities Plan and Final EIR regarding same. We also incorporate by reference the arguments made in the Opening Trial Brief, including that the underlying project description, which is assumed in the SEIR's project description, is invalid; that the FEIR's conclusion that the Project will have no significant impact on, and effect no "take" of, any unarmored threespine stickleback is improper and illegal; and that the so-called mitigation "plan" to lessen impacts on the arroyo toad from the Project is inadequate and its development is impermissibly deferred. P2-1

We also object to the false and misleading statement in the SEIR at page ES-8 that "There were no known areas of controversy at the time this Draft SEIR was prepared."

A member of the public who had not been previously aware of ACWA's challenge to the adequacy of the original EIR would not know from this statement that there is a serious legal case pending that, if ACWA prevails, will knock out the foundation upon which the SEIR is built, or alternatively, might think the case had been resolved. The District owes it to the public and its ratepayers to inform them of the status of this case, and of its potential effect on the SEIR. The SEIR cannot "fix" the defects in the original EIR; the EIR must be redone to meet all the requirements of CEQA. Galante Vineyards, et al. v. Monterey Peninsula Water Management District (1997) 60 Cal.App.4th 1109, 1124-1125. In relying on the defective EIR, the District proceeds at its own peril. P2-2

Please ensure that all notices and communications from the Santa Clarita Valley Sanitation District regarding the Project, and all hearings, actions, events and decisions related to the Project, are promptly copied to our office. All objections, including regarding proper notice and due process, are expressly reserved. P2-3

The SEIR is fatally flawed on multiple grounds, including because the SEIR relies on and is inextricably built upon the original FEIR that is being challenged. The SEIR will fall when the original FEIR falls. Building your SEIR and revised project on the cracked foundation of the original FEIR is a legal mistake, and a misuse of taxpayer monies. P2-4

Very truly yours,

Robert Silverstein/LM

ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM

RPS:lm

Exhibit 1

THE SILVERSTEIN LAW FIRM, APC
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Attorneys for Petitioner
AFFORDABLE CLEAN WATER ALLIANCE

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Superior Court of California
County of Los Angeles

MAR 27 2015

Sherri R. Carter, Executive Officer/Clerk
By: Jennifer De Luna, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

AFFORDABLE CLEAN WATER ALLIANCE, a California unincorporated association,

Petitioner,

vs.

SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY, a special district; and DOES 1 through 20, inclusive,

Respondents.

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD, a governmental agency; and ROES 1 through 20, inclusive,

Real Parties in Interest.

Case No. BS145869

VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDAMUS AND COMPLAINT FOR DECLARATORY RELIEF

[Code Civ. Proc. §§ 1085, 1094.5; Pub. Res. Code §§ 21000, *et seq.* (CEQA)]

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

Petitioner Affordable Clean Water Alliance ("Petitioner") seeks a writ of mandamus and declaratory and injunctive relief against Respondent Santa Clarita Valley Sanitation District ("SCVSD"), and alleges as follows:

INTRODUCTION

1. On or about October 28, 2013, the Board of Directors of the Santa Clarita Valley Sanitation District approved the "Santa Clarita Valley Sanitation District Chloride Compliance Facilities Plan" ("Facilities Plan") and certified a Final Environmental Impact Report for the Facilities Plan ("FEIR") (sometimes collectively the "Project").

2. This petition challenges SCVSD's October 28, 2013 actions, and all subsequent actions, in approving the Facilities Plan and its FEIR.

3. Petitioner seeks a writ of mandamus invalidating SCVSD's certification of the FEIR and invalidating and setting aside the Facilities Plan and all related Project approvals, *inter alia*, based upon SCVSD's violations of the California Environmental Quality Act, found at Public Resources Code section 21000, *et seq.* ("CEQA") and other laws.

4. The Project struck a nerve with the public because for approximately 6 years, SCVSD falsely informed the public that chloride levels in the Santa Clara River exceed allowable thresholds when critical baseline measurements of average ambient chloride levels of the Santa Clara River were never established. As a result, a woefully incorrect starting level for chloride was used. This, in turn, formed the basis for what has become a multi-million-dollar boondoggle of catastrophic proportions for Santa Clarita Valley residents and businesses – all based on the absence of an accurate, baseline starting point. In reality, the Project has been driven not by the ostensible reasons given, but by an attempt to transfer critical water supplies owned and used by the residents, business owners, property owners, taxpayers and citizens of the Santa Clarita Valley to benefit certain downstream land owners and agricultural users in Ventura County who are experiencing a water shortage.

5. The result of SCVSD's actions at issue in this petition is an environmentally

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damaging and resource degrading project that will cost the residents, business owners, property owners, taxpayers and citizens of the Santa Clarita Valley and nearby unincorporated portions of Los Angeles County millions of dollars in increased property taxes, increased food costs, increased water bills, property value decreases, and possible water rationing. In addition, SCVSD falsely told rate payers that it was impossible to adjust the chloride total maximum daily load ("TMDL") above 100 mg. per liter. SCVSD also falsely told rate payers that no Basin Plan Amendment to correct the TMDLs was possible. SCVSD incorrectly informed rate payers that lawsuits over water quality and TMDL-related questions could never succeed. SCVSD withheld from the rate payers the knowledge that these questions are frequently raised state-wide and negotiated to a conclusion beneficial to rate payers.

6. SCVSD repeatedly discounted any alternative course of action, including pursuing administrative procedures such as seeking a regulatory adjustment to the Total Maximum Daily Load ("TMDL") of chloride limit of 100 mg. per liter of water set by the California Regional Water Quality Control Board for the Los Angeles area ("Regional Board"), that could have resolved the issues without massive costs to Santa Clarita Valley rate payers. SCVSD never informed the Santa Clarita Valley rate payers about the benefit of pursing a test claim with the California Commission on State Mandates. When outside sources informed the SCVSD Directors and rate payers that a claim could be submitted, SCVSD reluctantly filed that claim. However, the tentative test claim ruling is adverse to the Santa Clarita Valley because SCVSD abdicated its role in defending the interests of the Santa Clarita Valley rate payers. SCVSD's repeated violations of its fiduciary, administrative and legal duties in this matter have necessitated the filing of the instant lawsuit.

PARTIES

7. Petitioner Affordable Clean Water Alliance is a California unincorporated association which, along with various of its members and supporters, participated in the administrative proceedings before the SCVSD. It is a coalition of environmental, property

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owner, residential and business interests in the Santa Clarita Valley and surrounding areas concerned with water supply, quality and cost, as well as with governmental transparency and accountability issues.

8. Petitioner and its members have a substantial interest in ensuring that SCVSD's decisions are in conformity with the requirements of law, and in having those requirements properly executed and the public duties of SCVSD enforced. Petitioner and its members will be adversely affected by impacts resulting from SCVSD's actions and approvals, and is aggrieved by the acts, decisions and omissions of SCVSD as alleged in this petition. Petitioner is suing on its behalf, on behalf of its members, and on behalf of all others who will be affected in the Santa Clarita Valley and Los Angeles County areas.

9. Petitioner is informed and believes, and based thereon alleges, that Respondent Santa Clarita Valley Sanitation District of Los Angeles County is a special district operating in Los Angeles County that is responsible for the collection and treatment of wastewater within its jurisdiction and the discharge of treated wastewater, and is the agency responsible for the decisions at issue herein.

10. Petitioner is ignorant of the true names of respondents sued herein as DOES 1 through 20, inclusive, and therefore sues said respondents by those fictitious names. Petitioner will amend the petition to allege their true names and capacities when the same have been ascertained. Petitioner is informed and believes, and based thereon alleges, that each of these fictitiously named respondents is in some manner responsible for the wrongful conduct alleged in this petition. Petitioner is informed and believes, and based thereon alleges, that these fictitiously named respondents were, at all times mentioned in this petition, the agents, servants, and employees of their co-respondents and were acting within their authority as such with the consent and permission of their co-respondents.

11. Petitioner is informed and believes, and based thereon alleges, that formerly-named Real Party in Interest Los Angeles Regional Water Quality Control Board is a governmental agency operating in Los Angeles County ("Real Party"). In an abundance of caution, Real Party was named as a Real Party in Interest. To the extent that

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Real Party may be deemed to have an interest in this litigation, Petitioner is informed and believes that any such interest is or will be adequately represented by Respondent SCVSD. Upon prior agreement and stipulation of the parties, Real Party was dismissed from this action.

12. Petitioner is ignorant of the true names of Real Parties in Interest sued herein as ROES 1 through 20, inclusive, and therefore sues said Real Parties in Interest by those fictitious names. Petitioner will amend this petition to allege their true names and capacities when the same have been ascertained. Petitioner is informed and believes, and based thereon alleges, that each of these fictitiously named Real Parties in Interest is in some manner responsible for the wrongful conduct alleged in this petition, and that these fictitiously named Real Parties in Interest were, at all times mentioned in this petition, the agents, servants, and employees of their co-Real Parties in Interest and were acting within their authority as such with the consent and permission of their co-Real Parties in Interest.

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JURISDICTION AND VENUE

13. Jurisdiction over Respondents, and each of them, exists because each of the Respondents named in this litigation are present and operating within the jurisdictional limits of the County of Los Angeles.

14. Venue is proper because most or all of the acts and omissions complained of in this litigation took place within this judicial district.

GENERAL ALLEGATIONS

15. Petitioner is informed and believes, and based thereon alleges, that on October 28, 2013, the Board of Directors of the SCVSD approved the Project, including consisting of the Facilities Plan and the FEIR.

16. Petitioner and other interested groups, members of the public and individuals made oral and written comments on the Project, and raised each of the legal deficiencies asserted in this petition. Petitioner has exhausted all administrative remedies.

17. Petitioner is informed and believes, and based thereon alleges, that a Notice of Determination for certification of the FEIR was posted with the Los Angeles County

Clerk in Norwalk and dated October 30, 2013.

18. Petitioner has performed all conditions imposed by law precedent to filing this action, including complying with the requirement of Public Resources Code Section 21167.5 by providing notice to SCVSD that this action would be filed.

19. Petitioner served a copy of the petition as originally filed on the California Attorney General as required by law, and will serve a copy of this First Amended Petition and Complaint on the California Attorney General.

20. Petitioner has no plain, speedy or adequate remedy available in the ordinary course of law to redress the claims alleged in this petition.

21. Petitioner as well as members of the general public will suffer irreparable harm if the relief requested herein is not granted and the Project is commenced based upon the EIR and Project Approvals for the Project.

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FIRST CAUSE OF ACTION

(Violation of CEQA and CEQA Guidelines

Regarding Deficient Analysis Throughout EIR)

22. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs 1 through 21 inclusive, of this petition.

23. CEQA requires a lead agency for a project to prepare an EIR that complies with the requirements of the statute. The lead agency must also allow public review and comment on the project and associated environmental documentation. An EIR must provide sufficient environmental analysis such that decision-makers can intelligently consider environmental consequences when acting on proposed projects, and so that decision-makers can carry out their statutory duty to adopt all feasible mitigation measures to avoid or lessen any environmental harm from the projects they adopt.

24. SCVSD's action in certifying the FEIR constitutes a prejudicial abuse of discretion in that SCVSD failed to proceed in the manner required by law and failed to support its decision by substantial evidence. Among other things, SCVSD:

a. Failed to provide an accurate, stable and finite project description,

which is the *sine qua non* for an informative and legally sufficient EIR. The plan which was principally promoted and focused on throughout the proceedings had been "Alternative 4." However, at the final hearing on October 28, 2013, SCVSD suddenly announced that the Project was changing to "Alternative 2," which in fact became the approved and adopted Project. Although Alternative 2 had been presented in the EIR, it had never been studied, analyzed and pursued in the EIR at a required level of disclosure or at the same level as had been the erstwhile preferred Alternative 4. The last-minute change to the Project denied the public and the decision-makers adequate disclosure and information to properly understand, analyze and mitigate the impacts of the chosen Project, i.e., Alternative 2. Among other things, the deep well injection of brine (a waste product of removing chloride from wastewater) as part of Alternative 2 was not adequately studied, and mitigation measures related to Alternative 2 either were not adopted or were improperly deferred. In particular, the potential for DWI and injection of hundreds of millions of gallons of brine into subsurface strata to result in an increase in seismicity (often referred to as "induced seismicity"), which potential was brought to SCVSD's attention by its own seismic consultant, was not adequately analyzed in the FEIR.

b. Failed to provide and establish a proper baseline against which to measure the Project and its impacts, including the very need for the Project, in that, *inter alia*, SCVSD and the EIR failed to present and properly establish an accurate historical "baseline" environmental condition of existing ambient chloride levels from which analysis and impacts were then measured. Petitioner is informed and believes, and based thereon alleges, that by starting from the wrong or no baseline, SCVSD and the EIR distorted the Project's true environmental impacts and led to the failure to consider feasible alternatives and mitigation measures.

c. Pre-committed to the Project in one form or another so as to effectively preclude any alternatives or mitigation measures that CEQA would otherwise require to be considered, including the alternative of not going forward with the Project, and further including but not limited to failing to pursue various available administrative

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alternatives.

d. Failed to address comments raising significant environmental issues in good faith, reasoned responses. SCVSD simply ignored numerous comments raising issues with the EIR's inadequacy, including comments from experts, and further including comments from responsible agencies under CEQA.

e. Failed adequately to disclose, analyze, mitigate or avoid the Project's significant impacts on the environment. In particular, mitigation measures recommended by SCVSD's own seismic consultants to avoid induced seismicity from DWI and the injection of hundreds of millions of gallons of brine into subsurface strata were not included in mitigation adopted by the SCVSD. Further, development and commitment to mitigation for impacts on steelhead trout populations in the Santa Clara River were improperly deferred to an unspecified future time.

f. Failed adequately to disclose, analyze, mitigate or avoid the Project's cumulative impacts, and failed to include as related projects numerous past, present and reasonably foreseeable probable future projects.

g. Failed properly to disclose, analyze, mitigate or avoid the Project's growth inducing impacts.

h. Failed properly to disclose and analyze a reasonable range of alternatives, including pursuing administrative alternatives or no project at all. The failure to comply with the fundamental CEQA requirement of analyzing a reasonable range of alternatives to the Project undermined every other CEQA study area required to be analyzed in the EIR.

i. Improperly piecemealed or segmented the whole of the Project, including as admitted in the Resolution approving the Facilities Plan which states, in pertinent part, that "The District will perform any necessary further environmental studies under CEQA to study deep well injection locations in consideration of the Significant Ecological Area and the oak tree grove located near potential deep well injection sites."

j. Improperly deferred disclosure, study and implementation of

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potential mitigation measures; including as admitted in the Resolution approving the Facilities Plan which states, in pertinent part, that "The District will perform any necessary further environmental studies under CEQA to study deep well injection locations in consideration of the Significant Ecological Area and the oak tree grove located near potential deep well injection sites."

25. CEQA requires every lead agency to provide a good faith, reasoned analysis in response to comments received on an EIR, to address recommendations and objections in detail, and to explain why specific comments and suggestions, especially those of experts, were not accepted. The EIR fails to respond adequately to comments on the EIR, including comments from numerous State agencies and other experts.

26. As a result of SCVSD's violations of CEQA, Petitioner has been harmed in that Petitioner and other members of the public were not fully informed about the significant environmental impacts of the Project prior to SCVSD's approval of the Project, and have been and will be injured by SCVSD's violations of CEQA.

27. Petitioner as well as members of the general public will suffer irreparable harm if the relief requested herein is not granted and Project construction commences in the absence of a full and adequate EIR and absent compliance with all other applicable provisions of CEQA and other laws.

28. CEQA requires that a lead agency's findings for the approval of a project be supported by substantial evidence in the administrative record. CEQA further requires that a lead agency provide an explanation of how evidence in the record supports the conclusions it has reached.

29. SCVSD further violated CEQA by adopting findings that are inadequate as a matter of law in that they are not supported by substantial evidence in the record or are otherwise arbitrary, capricious or improper, including, but not limited to, the following:

a. The determination that certain impacts would be less than significant and/or that adopted mitigation measures would avoid or lessen the Project's significant effects on the environment.

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b. The determination that overriding economic, legal, social, technological, or other benefits of the Project outweighed its significant impacts on the environment.

c. The determination that the SCVSD Board's Findings of Fact, decisions and conclusions are based on the Board's independent review and judgment even though SCVSD and its Board stated at the October 28, 2013 hearing, and further admitted in the Notice of Determination prepared by SCVSD, that after the Final Facilities Plan was released, unnamed Ventura County parties "withdrew essential support for Alternative 4, which made that alternative infeasible." The highly unusual statement that parties outside of the County controlled what was decided on and approved by SCVSD shows that the tail was wagging the dog.

30. As a result of the foregoing defects, SCVSD prejudicially abused its discretion by adopting findings that do not comply with CEQA and by approving the Project in reliance thereon. Accordingly, SCVSD's certification of the FEIR, and approval of the Project which relies on the defective FEIR, must be set aside, and SCVSD commanded to fully comply with CEQA prior to reconsideration of the Project.

SECOND CAUSE OF ACTION

(Violation of CEQA and CEQA Guidelines Re Ignoring Responsible Agency Directions for Contents of Study and Disclosure)

31. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs 1 through 30, inclusive, of this petition.

32. Public Resources Code § 21080.4(a) provides in pertinent part:

> If a lead agency determines that an environmental impact report is required for a project, the lead agency shall immediately send notice of that determination by certified mail or an equivalent procedure to each responsible agency, the Office of Planning and Research, and those public agencies having jurisdiction by law over natural resources

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affected by the project that are held in trust for the people of the State of California. Upon receipt of the notice, each **responsible agency**, the office, and each public agency having jurisdiction by law over natural resources affected by the project that are held in trust for the people of the State of California **shall specify to the lead agency the scope and content of the environmental information that is germane to the statutory responsibilities of that responsible agency**, the office, or the public agency in connection with the proposed project **and which, pursuant to the requirements of this division, *shall be included in the environmental impact report.*** The information shall be specified in writing and shall be communicated to the lead agency by certified mail or equivalent procedure not later than 30 days after the date of receipt of the notice of the lead agency's determination. (Emphasis added.)

The CEQA Guidelines, found at Cal. Code of Regs., tit. 14, sections 15000 *et seq.* at § 15096(b)(2) similarly provide:

> As soon as possible, but not longer than 30 days after receiving a notice of preparation from the lead agency, the responsible agency shall send a written reply by certified mail or any other method which provides the agency with a record showing that the notice was received. The reply shall **specify the scope and content of the environmental information which would be germane to the responsible agency's statutory responsibilities** in connection with the proposed project. ***The lead agency shall include this information in the EIR.*** (Emphasis added.)

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33. Petitioner is informed and believes, and based thereon alleges, that various responsible agencies under CEQA were notified about the EIR by SCVSD as part of SCVSD's duties to notify and consult with responsible agencies.

34. Petitioner is informed and believes, and based thereon alleges, that responsible agencies provided detailed communications to SCVSD "specify[ing] the scope and content of the environmental information which would be germane to the responsible agency's statutory responsibilities."

35. Although SCVSD, as lead agency, "**shall** include this information in the EIR" (emphasis added), SCVSD failed and refused to comply with various responsible agencies' study requests and demands including, but not limited to, study requests by the California Department of Fish and Game (now Fish and Wildlife) requesting further analysis of the Project's impacts on habitat for threatened or endangered species in the Santa Clara River, including the endangered unarmored threespine stickleback. As a result, SCVSD violated Public Resources Code § 21080.4(a) and Guidelines § 15096(b)(2).

36. Petitioner is informed and believes, and based thereon alleges, that SCVSD failed to make the required "good faith effort at full disclosure" regarding said requests and directions for specific analysis and disclosure in the EIR. Accordingly, the EIR fails as a sufficient informational document, the public and responsible agencies were denied their substantive CEQA right to meaningfully participate in review of environmental impacts, and the Project and FEIR must be invalidated on this additional ground.

THIRD CAUSE OF ACTION

(Violation of CEQA and CEQA Guidelines Re: Late-Disclosure of Significant New Information; Need to Re-Circulate EIR; and Failure to Timely and Properly Respond to Commenting Agencies)

37. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs 1 through 36, inclusive, of this petition.

38. CEQA Guidelines § 15088.5 states in pertinent part:

(a) A lead agency is required to recirculate an EIR when

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significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term **'information' can include** changes in the project or environmental setting as well as **additional data or other information**. New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. 'Significant new information' requiring recirculation includes, for example, a disclosure showing that: . . . .

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish & Game Commission (1989) 214 Cal.App.3d 1043, emphasis added). (Guidelines § 15088.5; emphasis added.)

39. Public Resources Code § 21092.5 provides in pertinent part:

(a) At least 10 days prior to certifying an environmental impact report, the lead agency shall provide a written proposed response to a public agency on comments made by that agency which conform with the requirements of this division. Proposed responses shall conform with the legal standards established for responses to comments on draft environmental impact reports.

40. On the evening of October 28, 2013, at the hearing when SCVSD approved the Project and certified the FEIR, SCVSD staff announced that only a few hours earlier, SCVSD had prepared revised Findings of Fact and responses to comments based upon, *inter alia*, the last-minute shift to adoption of Alternative 2 as the approved Project. Counsel for Petitioner objected that the new Findings of Fact and responses to comments constituted substantial new information which had been disclosed to the public at a time too late for meaningful public review and comment, and that required re-circulation of the EIR, and specifically noted the Mountain Lion Coalition v. Fish & Game Commission case. Counsel for Petitioner also objected that the late changes in the Project and new responses and findings submitted by SCVSD for approval on October 28, 2013 had denied commenting public agencies their rights under Section 21092.5 to written proposed responses at least 10 days prior to certifying the FEIR.

41. Notwithstanding these facts and objections, in violation of Guidelines Section 15088.5, SCVSD failed and refused to re-circulate the EIR.

42. Also notwithstanding these facts and objections, in violation of Public Resources Code Section 21092.5, SCVSD failed and refused to defer action on the FEIR in order to comply with this statutory mandate.

43. Accordingly, the EIR fails as a sufficient informational document, the public and other agencies were denied their substantive CEQA right to meaningfully participate in review of environmental impacts, and the Project and FEIR must be invalidated on this additional ground.

FOURTH CAUSE OF ACTION

(Violation of CEQA and CEQA Guidelines Re: Late-Disclosure of Significant New Information; Failure to Re-Circulate EIR or Prepare, Circulate, and Certify Supplemental EIR; and Failure to Decertify FEIR)

44. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs 1 through 43, inclusive, of this petition.

45. Alternative 2, the Project chosen and adopted by SCVSD, disposes of the

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brine waste produced by advanced treatment of wastewater by injecting the brine into substrata layers through wells that are drilled as deep as one to two miles underground. Injection would occur on a round the clock basis, 24 hours a day and seven days a week. This Deep Well Injection ("DWI"), as described in the FEIR, requires the drilling of wells, which drilling requires considerable disturbance of the surface of the land where the wells are drilled, and the use of heavy drilling equipment, including a 150-foot tall drilling rig that would be onsite for approximately 16 months during construction (removed afterwards). Operation of the wells will require the installation of five to seven permanent well heads and appurtenant facilities such as injection pumps, chemical storage tanks, and electrical switchgear, at least one building near the wellheads that would be used for maintenance and servicing purposes, and some road or trail for access to the DWI facilities for use in such maintenance and servicing. The FEIR's description of Alternative 2 presents two possible sites for installation of the DWI wells.

46. Petitioner is informed and believes, and based thereon alleges, that the land on which DWI would be done under the Project as adopted is owned by the Newhall Land and Farming Company, and is located in an area that is designated by the County of Los Angeles' General Plan as Significant Ecological Area 64, an area containing valley oak woodlands and accorded special procedural treatment because of its environmental values. On October 14, 2013, two weeks before the Project was approved, Newhall Land and Farming executed a Conservation Easement Deed in favor of the Center for Natural Lands Management, a California nonprofit corporation. This Deed was recorded with the Los Angeles County Registrar-Recorder on October 22, 2013, and given the identification number 20131510634. A true and correct copy of the Deed as recorded is attached to this First Amended Petition as **Exhibit 1**.

47. Petitioner is informed and believes, and based thereon alleges, that the terms of the Conservation Easement Deed covers, and places restrictions on the use of, land that is identified in the DEIR as containing the two possible DWI sites for disposal of brine waste under Alternative 2, the adopted Project. Among the Covenants, Terms, Conditions,

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and Restrictions set out in the Conservation Easement Deed are Prohibited Uses, which are set out in paragraph 5 of the document. The expressly prohibited uses of the land covered by the Conservation Easement Deed include in pertinent part:

"(e) Commercial, institutional, residential, or industrial uses;

"(f) **Construction, reconstruction, or placement of any building or other improvement . . . ;**

"(i) Except as otherwise permitted by Sections 7 and 8 below, filling, dumping, excavating, draining, dredging, mining, **drilling**, removing or exploring for or extraction of minerals, loam, gravel, soil, sand or other material on the surface of the Conservation Area." (Emphasis added.)

48. Sections 7 and 8 of the Conservation Easement Deed enumerate rights reserved to itself by grantor Newhall Land and Farming Company, including a reservation of oil and mineral rights in the Conservation Area. It is noteworthy that Newhall Land and Farming Company did not reserve even to itself the right to "**drill**, mine, store, explore or operate through the surface of the Conservation Area or the upper five hundred feet (500') of the subsurface of the conservation Area." (Emphasis added.)

49. Petitioner is informed and believes, and based thereon alleges, that the restrictions on land use in the Conservation Easement Deed described above expressly forbid such integral parts of the adopted Project as drilling and construction, both required for creation of the DWI injection wells needed for DWI, and the construction of a building and appurtenant facilities, needed for operation, maintenance and servicing of the DWI wells. Without wells or support facilities, DWI, an essential part of the Project, cannot be carried out.

50. SCVSD was aware at all relevant times that execution of a conservation easement by Newhall Land and Farming Company in SEA 64 was legally required to fulfill conditions imposed by the County of Los Angeles to the County's approval of permits for

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the Westridge development. That condition was a matter of public record, and was brought to SCVSD's attention by comments on the Project by a representative of the Santa Clarita Organization for Planning the Environment.

51. In or around January 2015, SCVSD issued a document entitled Supplemental Environmental Impact Report for Alternate DWI Site ("SEIR"), assigned State Clearinghouse Number SCH 2014081077. The stated purpose of the SEIR is to supplement the FEIR by analyzing an alternate site for DWI to be performed. The SEIR states at page 102:

> "The specific parcel of land analyzed as the DWI site in the certified FEIR is no longer available for development because of a recently recorded conservation easement. Consequently, the SCVSD proposes to develop DWI on an alternate site located approximately 800 feet north of the location previously analyzed."

52. Through the quoted language in the SEIR, SCVSD has admitted that the adopted Project cannot proceed in the form described in the FEIR certified by the District's Board and in the Findings of Fact adopted by that Board, because it is not legal to engage in such uses on the land designated for DWI use in the FEIR. The SEIR was expressly developed and issued to analyze the environmental effects of DWI on an alternate site.

53. Petitioner is informed and believes, and based thereon alleges, that at the time SCVSD adopted and approved the Project on October 28, 2013, including performing the DWI described in Alternative 2 in the FEIR on the site located within the Conservation Area:

a. The Project as described in the certified FEIR could not legally be constructed.

b. The Project as described in the certified FEIR was not legally feasible.

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c. The Project as described in the certified FEIR was not capable of being physically carried out.

d. The Findings of Fact concerning the Project adopted by the SCVSD's Board were incorrect and inaccurate, were unsupported by substantial evidence in the record, and were invalid.

e. The Statement of Overriding Considerations adopted by the SCVSD's Board was incorrect and inaccurate, was unsupported by substantial evidence in the record, and was invalid.

f. The Mitigation Monitoring Plan adopted by the SCVSD's Board was deficient, was unsupported by substantial evidence in the record, and was invalid.

g. The certification of the Final Environmental Impact Report was unsupported by substantial evidence in the record, and was invalid.

54. Petitioner is informed and believes, and based thereon alleges, that on or about March 11, 2015, responding to public outcry against DWI at the alternate site described in the SEIR, the SCVSD withdrew its proposal to locate DWI for the Project at that alternate site, and also withdrew the SEIR without finalizing or certifying it.

55. The SCVSD has abused its discretion by failing to decertify or otherwise nullify the FEIR, despite full knowledge and admission by the SCVSD that the adopted Project as described in the FEIR cannot be carried out due to the restrictions placed by the Conservation Easement Deed upon the DWI site identified in the FEIR. Further, the SCVSD has failed to proceed in the manner required by law and/or abused its discretion by failing to issue, circulate, and certify a supplemental EIR or subsequent EIR as to any alternate DWI site that would inform the public of the changed circumstances regarding the Project, and that would allow the public and expert and responsible State and other agencies to properly review and comment on any alternate DWI site.

56. CEQA forbids an agency from carrying out any project that has significant adverse effects on the environment unless such agency has identified and adopted all feasible mitigation measures for such environmental harm, or has made specific findings

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that mitigation is infeasible, or made findings that mitigation is within the jurisdiction of other agencies, or made findings that specific economic, legal, social, technological or other factors make the mitigation infeasible. Pub. Res. Code Sections 21002 & 21081. SCVSD has adopted no such mitigation, nor made any such findings as to any DWI site, except for the site that is now restricted by the Conservation Easement Deed and is therefore unavailable and infeasible. Accordingly, SCVSD has failed to proceed in the manner required by law and/or abused its discretion by approving the Project in violation of CEQA.

57. Any action by SCVSD to carry out the Project would be in violation of CEQA and would be highly prejudicial to Petitioner and the public.

FIFTH CAUSE OF ACTION

(Declaratory and Injunctive Relief)

58. Petitioner realleges and incorporates herein by reference the allegations of Paragraphs 1 through 57, inclusive, of this petition.

59. An actual and present controversy has arisen and now exists between Petitioner, on the one hand, and the SCVSD, on the other, in that the SCVSD has admitted through its actions and statements that the approved Project that is the subject of the FEIR is illegal and cannot be constructed as approved, including based on the existence of the Conservation Easement Deed. Yet the SCVSD has, to date, refused to decertify or otherwise invalidate part or all of the FEIR for the Project. As a result, the SCVSD is continuing to proceed in violation of the law and is wasting precious public and judicial resources in the process.

60. Without this Court's declaratory and injunctive relief, Petitioner's and other members of the public's rights will continue to be violated.

PRAYER

WHEREFORE, Petitioner prays for judgment in its favor as follows:

1. For a peremptory writ of mandamus directing SCVSD to vacate, set aside and invalidate the actions approving the Facilities Plan, the FEIR and the Project.

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2. That the Court enjoin SCVSD and its officers, employees, agents, boards, commissions and other subdivisions from granting any authority, permits or entitlements as part of the Project, or from physically undertaking the construction or execution of the Project or any portion of it.

3. That the Court declare unlawful the SCVSD's maintaining of the FEIR as an allegedly valid and legal document in light of the SCVSD's admissions that the approved Project as contained in the FEIR is legally and physically infeasible.

4. For attorney fees, including pursuant to Code of Civil Procedure Section 1021.5.

5. For costs of suit; and

6. For such other and further relief as the Court may deem just and proper.

DATED: March 26, 2015 **THE SILVERSTEIN LAW FIRM, APC**

By: _____

ROBERT P. SILVERSTEIN
SUSAN L. DURBIN
Attorneys for Petitioner AFFORDABLE CLEAN WATER ALLIANCE

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EXHIBIT 1

OCT 2 2 2013

COPY of Document Recorded 20131510624
Has not been compared with original.
Original will be returned when processing has been completed.
LOS ANGELES COUNTY REGISTRAR - RECORDER

RECORDING REQUESTED BY
First American Title Company
3123297 MW
WHEN RECORDED MAIL TO:
Center for Natural Lands Management
27258 Via Industria, Suite B
Temecula, CA 92590

Space Above Line for Recorder's Use Only

CONSERVATION EASEMENT DEED
(Westridge Conservation Area)

This CONSERVATION EASEMENT DEED is made this 14th day of October 2013, by THE NEWHALL LAND AND FARMING COMPANY (a California Limited Partnership), a California limited partnership, ("Grantor") in favor of CENTER FOR NATURAL LANDS MANAGEMENT, a California nonprofit corporation, ("Grantee") with reference to the following facts:

RECITALS

A. In May 1999, the County of Los Angeles ("County") Board of Supervisors approved that certain Newhall development commonly known as Westridge in the community of Valencia, located in an unincorporated portion of the County, State of California, Vesting Tentative Tract Map No. 45433 ("Westridge" or "Westridge Development").

B. Westridge includes approximately 167.8 acres generally described as Lots 181 and 182, Tract Map No. 45433-02, and which lots are designated as Assessor's Parcel Nos. 2826-135-012 , 2826-135-013, and 2826-135-014 (the "Westridge Conservation Area" or "Conservation Area"), more particularly described in Exhibit A ("Westridge Conservation Area Legal Description"), attached hereto and incorporated herein by this reference. Grantor no longer owns any real property interest in the Westridge Development other than its present fee ownership of the Westridge Conservation Area. Grantee acknowledges that the County of Los Angeles has designated the Conservation Area as Open Space or its equivalent, as documented by Final Map No. 45433-02 approved by the County of Los Angeles and recorded May 16, 2002, in the official records of the County.

C. The Westridge Conservation Area possesses certain wildlife and native habitat values (collectively, "Conservation Values"). These Conservation Values include, but are not limited to, high quality habitat for the Southern California rufus-crowned sparrow (*Aimophila ruficeps*) and the short-eared owl (*Asio flammeus*), and ~167.8 acres of native valley oak savanna, dominated by ~85.6 acres of native

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grasslands, valley oak trees (~95%), coastal live oak trees (~5%), and Ventura coastal sage. The state Legislature has found and declared that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California, and it is the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified non-profit organizations.

D. In approving the Westridge Development, the County Board of Supervisors required the dedication in fee of the Westridge Conservation Area to a joint powers authority, and further required that prior to such dedication, a "conservation and management easement" be offered to Grantee, pursuant to Condition 65 of the Board of Supervisors' approval of Vesting Tentative Tract Map 45433 (5) on May 11, 1999 ("Condition 65"), attached as Exhibit B. It is Grantor's intent that this document now implements and satisfies Condition 65 with regards to the dedication of a conservation and management easement to Grantee.

E. Grantor intends that this Conservation Easement Deed provide a conservation and management easement in accordance with Condition 65 and that the Conservation Area be preserved and maintained in a manner that retains the Conservation Values in perpetuity in accordance with this Conservation Easement Deed.

F. Grantee is a tax-exempt non-profit organization qualified under Section 501(c)(3) of the IRC and qualified to do business as a nonprofit in the State of California. Grantee has as its primary purpose the management of land in an environmentally and biologically beneficial manner consistent with state and federal environmental laws. Grantee is authorized to hold interests in real estate, including conservation easements, pursuant to California Civil Code Section 815.3 and California Government Code Section 65965, et seq.

G. Grantor intends, as owner of the Conservation Area, to convey to Grantee the right to preserve and protect the Conservation Values of the Conservation Area in perpetuity as provided by this Conservation Easement Deed.

H. Grantor further intends at a later date to convey fee title to the Conservation Area to the Newhall Ranch High Country Recreation and Conservation Authority ("JPA"), a joint powers authority formed pursuant to California Government Code sections 6500, *et seq.*, after which time Grantor and Grantee intend that Grantor will be released from all obligations arising under this Conservation Easement Deed in accordance with Section 27 (Termination of Rights and Obligations), those obligations being assigned to and assumed by JPA as intended and provided by Section 26 (Successors) in this Conservation Easement Deed.

I. Grantee intends, by acceptance of the grant made hereby, forever to honor the intentions of Grantor to preserve and protect in perpetuity the Conservation Values of the Conservation Area.

NOW, THEREFORE, Grantor and Grantee agree as follows:

COVENANTS, TERMS, CONDITIONS, AND RESTRICTIONS

In consideration of the above recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of California, including California Civil Code Sections 815, *et seq.*, Grantor does hereby voluntarily grant and convey to Grantee a conservation easement in gross in perpetuity over the Conservation Area of the nature and character and to the extent hereinafter set forth ("Conservation Easement" or "Conservation Easement Deed"). This Conservation Easement shall run with the land and be binding on Grantor's heirs, successors, administrators, assigns, lessees, and other occupiers or users of the Conservation Area or any portion of it.

Grantor and Grantee further agree as follows:

1. **Recitals.** All paragraphs in the Recitals are incorporated herein and shall be included as part of the terms and conditions of this Conservation Easement.

2. **Purpose.** Subject to the terms and conditions hereof, the purpose of this Conservation Easement is: (a) to ensure that the Conservation Area will be retained in perpetuity predominantly in a Natural Condition; and (b) to prevent uses of the Conservation Area inconsistent with the Natural Condition that will impair or interfere with the Conservation Values ("Purpose"). Grantor intends that this Conservation Easement will confine the use of the Conservation Area to such activities as those involving the preservation of native species and their habitat and passive recreation, in a manner consistent with the Purpose of this Conservation Easement and other activities reserved to Grantor under this Conservation Easement. The term "Natural Condition" shall mean the condition of the Conservation Easement Area as it exists at the time this Deed is executed and as documented in a written baseline report agreed to by both the Grantor and Grantee, as well as any future changes to the Conservation Area resulting from activities allowed under this Conservation Easement.

3. **Grant of Rights.** To accomplish the Purpose of this Conservation Easement as described in Section 2, Grantor hereby grants to Grantee the following rights:

   (a) To identify, preserve and protect in perpetuity the Conservation Values of the Conservation Area;

   (b) To enter upon the Conservation Area at reasonable times: (1) in order to enforce the terms of this Conservation Easement; and (2) for scientific research and interpretive purposes by either Grantee or the designees of Grantee, provided that the Grantee in entering the Conservation Area

shall not unreasonably interfere with authorized uses or quiet enjoyment thereof; and

(c) To prevent any activity on or use of the Conservation Area that is inconsistent with the Purpose and covenants, terms, conditions, and restrictions of this Conservation Easement and to restore such areas or features of the Conservation Area that may be damaged by flood, fire, storm, earth movement or other disaster, vandalism or any other activity beyond the control of Grantor that affects the Conservation Area.

4. **Obligations of Grantor and Grantee.**

(a) To accomplish the Purpose of this Conservation Easement as described in Section 2, Grantor, or Grantor's successor(s)-in-interest, shall:

(1) Undertake reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the Conservation Values of the Conservation Area;

(2) Comply with the terms of this Conservation Easement and cooperate with Grantee in the protection of the Conservation Values;

(3) Repair damage to the Conservation Area directly caused by Grantor, Grantor's guests, representatives, employees or agents, as well as damage caused by acts of third parties within the control of Grantor;

(4) Obtain any governmental permits and approvals applicable to any activity or use by Grantor permitted by this Conservation Easement, and comply with all applicable federal, state, local and administrative agency statutes, ordinances, rules, regulations, orders or requirements.

(5) Construct, repair and maintain trails (including ballards, railings, bridges, drainage, and other trail amenities), as necessary to provide for public access in accordance with the offer of dedication to the County in accordance with Condition 65.

(6) Periodically patrol the Conservation Area and establish and maintain practicable access controls to prevent unlawful entry, unlawful activities and uses prohibited by this Conservation Easement.

(b) To accomplish the Purpose of this Conservation Easement as described in Section 2, Grantee shall:

(1) Preserve and retain the Conservation Area for its Conservation Values;

(2) Prevent any activity on or use of the Conservation Area that is inconsistent with the Purpose and terms of this Conservation Easement;

(3) Maintain signs identifying the Conservation Easement pursuant to Section 10 below;

(4) Perform routine compliance inspections of the Conservation Area;

5. **Prohibited Uses.** Any activity on or use of the Conservation Area by Grantor, Grantee, their guests, assigns, employees, agents and third parties that is inconsistent with the Purpose of this Conservation Easement is prohibited, except as such activities are otherwise reserved by Grantor pursuant to Sections 7 and 8, below, or as allowed in any easements or reservation of rights recorded in the chain of title to the Conservation Area at the time of recordation of this Conservation Easement Deed. Without limiting the generality of the foregoing, the following uses are expressly prohibited:

(a) Unseasonable watering and fire protection activities, except in those areas within easements for the Westridge Valencia Master Homeowners Association, County of Los Angeles Landscape and Lighting Assessment District, and Valencia Water Company as shown on Exhibit C, and except where a public agency deems it necessary to protect residential and commercial interests against loss;

(b) Use of off-road vehicles and use of any other motorized vehicles, except: (i) on existing roadways (improved or unimproved), if any, provided that off-road uses are not to be prohibited if for the purpose of conducting activities associated with or required by this Conservation Easement, including, but not limited to, maintenance of roads, bridges, trails, fences, utilities, vegetation, irrigation and water lines, water wells, flood control facilities, weed abatement, and emergency operations, (ii) by grantor in the exercise of the rights reserved by the Grantor hereunder and whose use of such vehicles is otherwise consistent with the Purpose of this Conservation Easement;

(c) Grazing, except as a use for conservation purposes in accordance with an approved plan and/or permit, or other agricultural activity of any kind;

(d) Active recreational activities such as motorized or manual biking, hunting, or fishing. This prohibition is not intended to limit in any manner the conduct of public access and passive recreational activities otherwise consistent with the Purpose of this Conservation Easement in accordance with Condition 65;

(e) Commercial, institutional, residential, or industrial uses;

(f) Construction, reconstruction, or placement of any building or other improvement, billboard, or sign, except signs as required by Sections 4(a)(4), 4(b)(3) and 10, or consistent with the Purpose of this Conservation Easement;

(g) Depositing or accumulation of soil, trash, ashes, refuse, waste, bio-solids or like materials;

(h) Planting of non-native or exotic plants or the introducing of non-native animal species, except such plantings and introductions as may be incorporated into an approved integrated pest management program, and excluding those areas within the Westridge Valencia Master Homeowners Association and County of Los Angeles Landscape and Lighting Assessment District easement areas;

(i) Except as otherwise permitted by Sections 7 and 8 below, filling, dumping, excavating, draining, dredging, mining, drilling, removing or exploring for or extraction of minerals, loam, gravel, soil, rock, sand or other material on the surface of the Conservation Area;

(j) Removing, destroying, or cutting of trees, shrubs or other vegetation, except as required for: (i) fire breaks; (ii) maintenance of roads, bridges, trails, fences, utilities, irrigation and water lines, water wells, flood control facilities, weed abatement, and emergency operations; (iii) prevention or treatment of disease; (iv) required mitigation programs, if any; and (v) habitat maintenance and enhancement, which may include the application of pesticides and fertilizers. Excepted from this prohibition are those areas within the Westridge Valencia Master Homeowners Association and County of Los Angeles Landscape and Lighting Assessment District easement areas;

(k) Degrading or polluting prohibited by law, as is alteration and impounding of watercourses, unless such activity is undertaken pursuant to any/all applicable permits/approvals issued by the appropriate regulatory agencies; and

(l) Altering the general topography of the Conservation Area, including, but not limited to, by building of roads, building of foot, horse or bike trails, and flood control work, except as expressly reserved in Sections 7 and 8 below.

6. **Limitations of Conservation Easement.** Subject to those limitations set forth in Section 5 above, Grantor and Grantor's successor(s) in interest shall retain full fee ownership and full use of the Conservation Area. Though Grantor agrees to restrict its

activities as provided in Section 5 above, Grantee shall have no right to require Grantor to affirmatively conduct new or additional activities on the Conservation Area in order to preserve and enhance native biota. Grantee shall have no independent right under this Conservation Easement to restrict activities conducted by Grantor outside of the Conservation Area it believes may impact the preservation and enhancement of native biota within the confines of the Conservation Area. In addition to those rights specifically reserved under Sections 7 and 8 below, Grantor expressly reserves for itself, its successors and assigns, the right to use the Conservation Area for all purposes not inconsistent with the Purpose of this Conservation Easement, as defined in Section 2, above.

7. **Reserved Rights.** Grantor excepts from this Conservation Easement and reserves to itself, and to its personal representatives, heirs, successors, trustees and assigns, all rights accruing from or relating in any way to its fee ownership of the Conservation Area that are not inconsistent with the Purpose or the covenants, terms, conditions, and restrictions of this Conservation Easement including, but not limited to, the rights set forth below and in Section 8:

(a) The right to engage in or to permit or invite others to engage in all uses of the Conservation Area that are not inconsistent with the Purpose of this Conservation Easement;

(b) The right to remove and abate exotic plants (such as *Arundo donax*) or animals; to use herbicides approved by the United Stated Environmental Protection Agency in a manner not inconsistent with its labeling; to conduct biological or water quality monitoring; and/or to conduct habitat restoration or enhancement mitigation measures;

(c) All oil, oil rights, minerals, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, geothermal steam, and all products derived from any of the foregoing, that may be within or under the Conservation Area, together with the perpetual right of drilling, mining, exploring and operating therefore and storing in and removing the same from such real property or any other real property, including the right to whipstock or directionally drill and mine from properties other than the Conservation Area, oil or gas wells, tunnels and shafts into, through or across the subsurface of the Conservation Area, and to the bottom of such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, store, explore or operate through the surface of the Conservation Area or the upper five hundred feet (500') of the subsurface of the Conservation Area;

(d) The right to grant easements for utilities, roads, trails, bridges, or flood control improvements or any other uses not inconsistent with the Purpose

of this Conservation Easement, provided that if such activities are to discharge dredged or fill material into waters of the United States, such activities have been specifically permitted by the U.S. Army Corps of Engineers, to the extent otherwise required by law;

(e) The right to conduct those activities and to construct those facilities identified in related permits or approvals, including, but not limited to, the construction of bank stabilization, trails, temporary creek crossings, utilities, bridges, and roadways;

(f) The right to conduct flood control maintenance and inspection activities, whether performed by Grantor, its agents or assigns, or the County of Los Angeles. Such flood control maintenance and inspection activities include, but are not limited to, periodic clearing of vegetation and debris removal;

(g) The right of access, ingress and egress over designated and existing foot and equestrian trails located within the Conservation Area;

(h) The right of access, ingress and egress over existing paved and dirt roads located within the Conservation Area;

(i) Consistent with the Purpose of this Conservation Easement, the right to maintain, to use, to construct, install, restore, improve, relocate and modernize any and all improvements located on the Conservation Area at the time this Conservation Easement is recorded, or any and all improvements that may be necessary or useful for or incidental to the enjoyment by the public of the Conservation Area;

(j) The right to carry out plant preservation and other conservation projects including, but not limited to, protective works as may be necessary or desirable to protect such plant preservation or other conservation projects from damage or destruction; and,

(k) Consistent with the Purpose of this Conservation Easement, the right to construct, install, maintain, restore, use, and enjoy public service facilities or utilities installed for the benefit of the Conservation Area and/or surrounding residential development. Such right may also be exercised by the Public Utilities Commission of the State of California, the Southern California Edison Company, or any utility company.

8. **Reservation of Rights Regarding Water.** (a) It is the express intent of the parties that Grantor shall continue to possess all riparian, appropriative, prescriptive, groundwater and other water rights to the same extent Grantor would possess such rights if this Conservation Easement had never been granted, and that all such rights are to be preserved and are, for purposes hereof considered, appurtenant to the

Conservation Area for the benefit of Grantor and its successors, except that, such appurtenancy notwithstanding, Grantor may transfer and convey any such water or water rights to any parcel of Grantor's or Grantor's successor(s)-in-interest land. Without limiting the foregoing, it is the intent of Grantor and Grantee that, to the extent the grant of this Conservation Easement severs another parcel's physical contiguity to any stream or other source of water, all riparian and other water rights appurtenant to or associated with the severed parcel are to be preserved so that the owner of the severed parcel will continue to possess all such rights to the same extent such owner would possess such rights if this Conservation Easement had never been granted, and that all such rights are to be preserved and are to remain appurtenant to the severed parcel.

(b) This Conservation Easement does not confer to Grantee any water rights or rights to develop, extract, divert or utilize any water incident to the easement; and, to the extent consistent with the Purpose of this Conservation Easement, Grantor reserves the sole and exclusive right to develop, extract, divert and utilize such water, including the right to drill and operate wells and other directly related facilities. Furthermore, this Conservation Easement does not confer to Grantee the right to interfere with Grantor's exercise of water rights to the extent that such exercise of water rights is consistent with the Purpose of this Conservation Easement and Grantor's exercise of those water rights is in compliance with Section 8(c)(2) below.

(c) Grantor further excepts from this Conservation Easement and reserves to itself, and to its personal representatives, heirs, successors, trustees and assigns, all rights accruing from or relating in any way to its ownership of the Conservation Area, including, but not limited to:

(1) All water rights of any nature whatsoever which are incident or otherwise related to the Conservation Area, including, but not limited to, all appropriative water rights, all riparian water rights, all rights to use all surface and subsurface water and percolating groundwater existing on or underneath the Conservation Area and the right to recharge and/or store water underneath the Conservation Area by such means as Grantor deems reasonable;

(2) The right to place, install, maintain, replace and repair pipelines, electrical lines, existing wells, existing tanks and related facilities, and access to the same as needed to develop and utilize its water rights; and

(3) The right to use water taken from the Conservation Area anywhere Grantor chooses to do so, in any reasonable way, and for any beneficial use.

(d) Notwithstanding any other provision herein, this Conservation Easement shall not limit or affect the exercise of water rights on or from any other property held by Grantor.

(e) No failure to exercise or delay in the exercise of any of Grantor's water rights shall impair or limit such right or be construed as a waiver or limitation of such right.

9. **Remedies.** (a) If Grantor or Grantee determines that the other party or its employees, agents, contractors or invitees is in violation of the terms of this Conservation Easement or that a violation is threatened, the non-violating party shall give written notice to the violating party of such violation and demand in writing the cure of such violation. If the violating party fails to cure the violation within thirty (30) days after receipt of said written notice and demand, or said cure reasonably requires more than thirty (30) days to complete and the violating party fails to begin the cure within the thirty (30) day period or fails to continue diligently to complete the cure, the non-violating party may bring an action at law or in equity in a court of competent jurisdiction to enforce compliance by the violating party with the terms of this Conservation Easement, to recover any damages to which the non-violating party may be entitled for violation by the violating party of the terms of this Conservation Easement or for any injury to the Conservation Values of the Conservation Area, or for other equitable relief, including but not limited to, the restoration of the Conservation Area to the condition in which it existed prior to any such violation or injury. Without limiting the violating party's liability therefore, the non-violating party may apply any damages recovered to the cost of undertaking any corrective action on the Conservation Area.

(b) If a party, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Conservation Area, such party may pursue its remedies under this Section without prior notice to the violating party or without waiting for the period provided for cure to expire. The rights of the party under this section apply equally to actual or threatened violations of the terms of this Conservation Easement. The parties agree their remedies at law for any violation of the terms of this Conservation Easement are inadequate and that each party shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which such party may be entitled, including specific performance of the terms of this Conservation Easement. The remedies of the parties described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including but not limited to, the remedies set forth in California Civil Code Section 815, *et seq.*, inclusive. The failure of a party to discover a violation or to take immediate legal action shall not bar such party from taking such action at a later time.

(c) If at any time in the future Grantor or Grantee, or any subsequent transferee, uses or threatens to use such lands for purposes inconsistent with this Conservation Easement, then, notwithstanding California Civil Code Section 815.7, the California Attorney General, the Department of Justice, other appropriate enforcement agencies of the United States or the State of California, shall have standing as interested parties in any proceeding affecting this Conservation Easement.

(d) Enforcement of the terms of this Conservation Easement by a party shall be at the discretion of the party, and any forbearance by such party to exercise its rights under this Conservation Easement, in the event of any breach of any term of the Conservation Easement by a party or any subsequent transferee, shall not be deemed or construed to be a waiver by the non-violating party of such terms or of any subsequent breach of the same or any other term of this Conservation Easement or of any of the non-violating party's rights under this Conservation Easement. No delay or omission by the non-violating party in the exercise of any right or remedy upon any breach by the violating party shall impair such right or remedy or be construed as a waiver. Further, nothing in this Conservation Easement creates a non-discretionary duty upon the non-violating party to enforce its provisions, nor shall deviation from these terms and procedures, or failure to enforce its provisions give rise to a private right of action against the non-violating party by any third parties. Except as provided in subsection 9(c) above, this Conservation Easement is not intended to, and shall not, create or expand any private right of action which does not already exist under state or federal law against Grantee or Grantor or by any individual or entity other than the Grantee or Grantor.

(e) Nothing contained in this Conservation Easement shall be construed to entitle any party to bring any action against another party for any injury to or change in the Conservation Area resulting from: (1) any natural cause beyond a party's control, including without limitation, fire not caused by the party, flood, storm, and earth movement, or from any prudent action taken by a party under emergency conditions to prevent, abate, or mitigate significant injury to the Conservation Area resulting from such causes; or (2) acts of third parties (including any governmental agencies) beyond the control of a party.

10. **Installation and Maintenance of Signage.** Grantee shall post appropriate signage identifying the Conservation Easement. Such signage shall be maintained in perpetuity by Grantee.

11. **No Public Access.** This Conservation Easement does not convey any right of access to the public; provided that upon transfer of the Conservation Area to the JPA, public access shall be allowed in accordance with the public access dedication pursuant to Condition 65.

12. **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Conservation Area by competent authority (collectively, "taxes"), including any taxes imposed upon, or incurred as a result of, this Conservation Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.

13. **Indemnity.** Each Party ("the first Party") does hereby agree to the maximum extent permitted by law, at its sole cost and expense, to protect, defend (by counsel approved by the first Party), indemnify, and hold harmless the other Party ("the second Party") and any of the second Party's owners, parent corporations, subsidiaries, and

affiliates, and their respective officers, managers, directors, representatives, employees, contractors, agents, transferees, successors and assigns, from any and all liabilities, damages (actual but not consequential), losses, costs, expenses, claims, actions or proceedings, including, without limitation, reasonable attorney's fees and expert fees, that are caused by or arise or are connected with: (i) the negligence, errors, omissions, recklessness or intentional misconduct of the first Party or the employees or agents of the first Party in the performance of this Conservation Easement including, but not limited to, any and all activities conducted by the first Party while in the Conservation Area; or (ii) a default in the first Party's performance or failure to perform its obligations under this Conservation Easement. Each Party shall comply, at its sole cost and expense, with all laws and regulations applicable to the Party's obligation under this Conservation Easement.

14. **Condemnation.** This Conservation Easement is "property appropriated to public use," the condemnation of which is prohibited except as provided in Code of Civil Procedure section 1240.055.

15. **Assignment.** (a) This Conservation Easement is transferable by Grantee, but Grantee may assign its rights and delegate its obligations under this Conservation Easement only in a form approved in writing by Grantor, or Grantor's successor(s)-in-interest, in favor of an entity or organization authorized to acquire and hold conservation easements pursuant to California Civil Code Section 815.3 and one that agrees to undertake Grantee's obligations under this Conservation Easement. Such approval shall not be unreasonably withheld. The Grantee shall require its assignee to record the assignment in the official records of the County of Los Angeles, State of California.

(b) Grantor agrees to incorporate the terms of this Conservation Easement in any deed or other legal instrument by which Grantor divests itself of any interest in all or any portion of the Conservation Area, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the intent to transfer any interest at least thirty (30) days prior to the date of such transfer. The failure of Grantor to perform any act provided in this section shall not impair the validity of this Conservation Easement or limit its enforceability in any way.

16. **Notices.** Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to any other party or parties shall be in writing and be served personally or sent by recognized overnight courier that guarantees next-business-day delivery or by first class mail, postage prepaid, or by facsimile transmission, addressed as follows:

To Grantor: The Newhall Land and Farming Company
Attn: General Counsel
25124 Springfield Court, Suite 300
Valencia, CA 91355
Fax: (661) 255-0761

To Grantee: Center for Natural Lands Management
Attn: Executive Director
27285 Via Industria, Suite B
Temecula, CA 92590
Fax: (760) 731-7791

or to such other address as a party shall designate by written notice to the other party. Notice shall be deemed effective upon delivery in the case of personal delivery or delivery by overnight courier or, in the case of delivery by first class mail, five (5) days after deposit into the United States mail, or in the case of facsimile delivery, upon generation of a delivery confirmation by the sending machine. Any party may designate a different address by providing written notice of such different address to the other party.

If the authorized representative of the receiving party shall fail to respond in writing to any notice within thirty (30) days after receipt thereof, it shall be conclusively deemed for purposes of this Easement that the initiating party has consulted in good faith with the other party as to the matters described in said notice. Notwithstanding any other provisions of this Easement, neither party shall be required to consult with the other as to any emergency repair work or other emergency action as to which, by reason of imminent danger to life or property, consultation with the other party is not reasonably practicable, but the party performing such work shall notify the other party promptly after the performance of any such work or action describing the same in reasonable detail. The Initiating Party shall, using good faith efforts, restore the Conservation Area to its condition as it existed prior to the event requiring emergency action.

17. **Amendment.** Grantor and Grantee may amend this Conservation Easement only by mutual written agreement. Any such amendment shall be consistent with the Purpose of this Conservation Easement and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of Los Angeles County, State of California.

18. **Additional Easements.** Grantor shall not grant any additional easements, rights of way, or other interests in the Conservation Area inconsistent with this Conservation Easement. Grantee acknowledges that Grantor intends to offer a "conservation and public access easement" over the Conservation Area to the County of Los Angeles, and that such offer, if accepted, would be consistent with this Conservation Easement. Grantee further acknowledges that Grantor grants this Conservation Easement to Grantee, and Grantee accepts this Conservation Easement, subject and subordinate to any and all existing easements and any other matters of record as of the date hereof.

19. **Recordation.** Grantor and Grantee, through escrow, shall cause promptly the recording of this instrument in the official records of Los Angeles County, California, and Grantor and Grantee, through escrow, shall be provided with conformed copies of all recorded documents. All recordation costs shall be borne by Grantor. Grantor and/or

Grantee may re-record this instrument at any time as may be required to preserve its right in the grant.

20. **Estoppel Certificate.** Upon request by Grantor, Grantee shall within thirty (30) calendar days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Conservation Easement Deed or otherwise evidences the status of this Conservation Easement as may be requested by Grantor.

21. **Controlling Law.** The laws of the United States and the State of California shall govern the interpretation and performance of this Conservation Easement.

22. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed in favor of the deed to effect the Purpose of this Conservation Easement and the policy and purpose of California Civil Code Section 815, *et seq.* If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purpose of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

23. **Severability.** If a court of competent jurisdiction voids or invalidates on its face any provision of this Conservation Easement Deed, such action shall not affect the remainder of this Conservation Easement Deed. If a court of competent jurisdiction voids or invalidates the application of any provision of this Conservation Easement Deed to a person or circumstance, such action shall not affect the application of the provision to other persons or circumstances.

24. **Entire Agreement.** This instrument, together with the attached exhibits, the Westridge Conservation Area Management and Funding Agreement executed contemporaneously with this Conservation Easement Deed, and any documents referred to herein, sets forth the entire agreement of the parties with respect to this Conservation Easement Deed and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment in accordance with Section 17.

25. **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

26. **Successors.** Subject to the provisions of Section 27 below, the covenants, terms, conditions, and restrictions of this Conservation Easement Deed shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall constitute a servitude running in perpetuity with the Conservation Area.

27. **Termination of Rights and Obligations.** A party's rights and obligations under this Conservation Easement Deed terminate upon transfer of the party's interest in the Conservation Easement or Conservation Area, except for those rights otherwise expressly reserved to Grantor and except that liability for acts or omissions occurring prior to transfer shall survive transfer. In accordance thereof, Grantor or its successor Grantors will remain responsible for the obligations contained herein until Conservation Area has been conveyed to a successor Grantor, after which time the original Grantor (The Newhall Land and Farming Company) shall be released from all obligations hereunder.

28. **Reversion.** Pursuant to Government Code section 65967, subdivision (e), and consistent with procedural due process requirements, if the state or County reasonably determines that the Conservation Area is not being held, monitored, or stewarded for conservation purposes in the manner specified in this Conservation Easement Deed, the property interest conveyed herein shall revert to the state or County, or to another public agency, special district, or nonprofit organization pursuant to subdivisions (c) and (d) and subject to approval by the state or County.

29. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

29. **Hazardous Materials.** Despite any contrary provision of this Conservation Easement Deed, the parties do not intend this Conservation Easement to be, and this Conservation Easement Deed shall not be, construed such that it creates in or gives to Grantee any of the following:

(1) The right or obligation to investigate and remediate any Hazardous Materials associated with the Conservation Area or liability for investigation and/or remediation of Hazardous Materials not deposited by Grantee; or

(2) Any control over Grantor's ability to investigate, remove, remediate, or otherwise clean up any Hazardous Materials associated with the Conservation Area.

The term "Hazardous Materials" includes, without limitation: (i) material that is flammable, explosive or radioactive; (ii) petroleum products, including by-products and fractions thereof; and (iii) hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Resource Conservation and Recovery Act (42 U.S.C. Section 6901, *et seq.*); the Hazardous Materials Transportation Act (49 U.S.C. Section 5101, *et seq.*); the Hazardous Waste Control Law (California Health & Safety Code Section 25100, *et seq.*); the Hazardous Substance Account Act (California Health & Safety Code Section 25300, *et seq.*), and in the regulations adopted and publications promulgated pursuant to them, or any other

applicable federal, state or local laws, ordinances, rules, regulations or orders now in effect or enacted after the date of this Conservation Easement Deed.

Grantor represents, warrants and covenants to Grantee that Grantor's activities upon and use of the Conservation Area will comply with all Environmental Laws. Grantee likewise represents, warrants and covenants to Grantor that Grantee's activities upon and use of the Conservation Area will comply with all Environmental Laws. The term "Environmental Laws" includes, without limitation, any federal, state, local or administrative agency statute, ordinance, rule, regulation, order or requirement relating to pollution, the protection of human health or safety, the environment or to Hazardous Materials, generally.

30. **No Third-Party Beneficiaries.** Nothing contained herein is intended to provide or otherwise convey third-party beneficiary rights to any person, organization, agency or entity.

31. **Counterparts.** The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by all parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

SIGNATURES ON THE FOLLOWING PAGES

IN WITNESS WHEREOF Grantor has executed this Conservation Easement Deed the day and year first above written.

GRANTOR:

The Newhall Land and Farming Company (A California Limited Partnership), a California limited partnership

By: NWHL GP LLC, a Delaware limited liability company, its General Partner

By: LandSource Holding Company, LLC, a Delaware limited liability company, its Sole Member

By: Newhall Land Development, LLC, a Delaware limited liability company, its Sole Member

By: Newhall Holding Company, LLC, a Delaware limited liability company, its Manager

By: _____

Name: JAMES C. BIZZELLE III

Title: Senior Vice President

STATE OF CALIFORNIA

County of Los Angeles

On October 14 2013, before me, JOHANNA PALMER, a

Notary Public, personally appeared JAMES C. BIZZELLE III.,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JOHANNA PALMER
Commission # 2004861
Notary Public - California
Los Angeles County
My Comm. Expires Feb 16, 2017

_____
Signature of Notary Public

(Seal)

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by this Conservation Easement Deed dated October 15, 2013, by THE NEWHALL LAND AND FARMING COMPANY, is hereby accepted by the undersigned officer on behalf of CENTER FOR NATURAL LANDS MANAGEMENT.

GRANTEE:

Center for Natural Lands Management, a California nonprofit corporation

By: _____

Name: David R. Brunner

Title: President

Date: 15 oct 2013

STATE OF CALIFORNIA

County of Sonoma

On October 15, 2013, before me, Justin Lacy, a

Notary Public, personally appeared DAVID R. BRUNNER, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JUSTIN LACY
Commission # 1934870
Notary Public - California
Sonoma County
My Comm. Expires May 5, 2015

Signature of Notary Public

(Seal)

EXHIBIT A

Westridge Conservation Area Legal Description

Real property in the unincorporated area of the County of Los Angeles, State of California described as follows:

LOTS 181, 182, OF TRACT NO. 45433-02, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON THE MAP RECORDED IN BOOK1267 PAGES 24 THROUGH 50 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

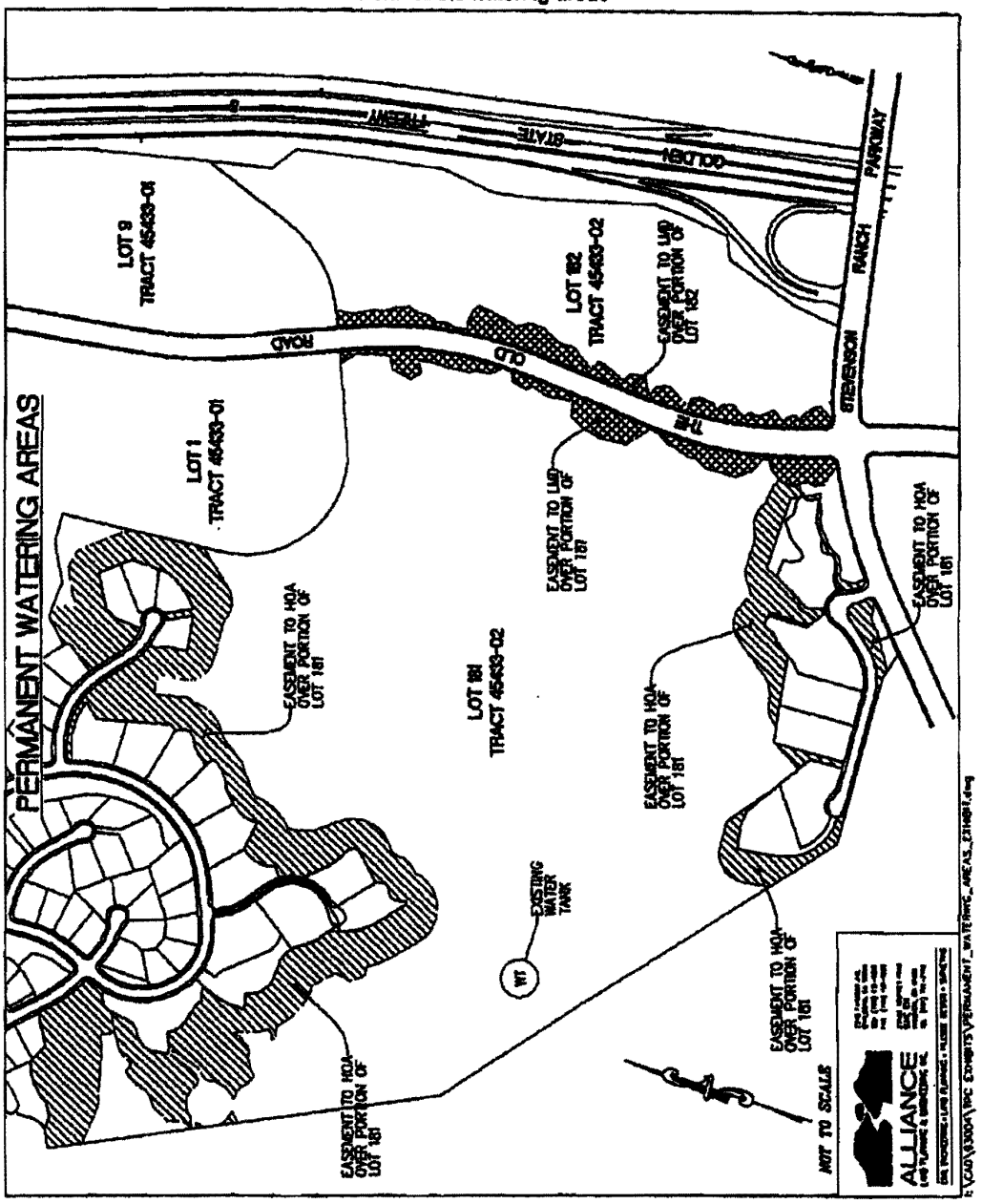
APN: 2826-135-012 AND 2826-135-013 AND 2826-135-014

EXHIBIT B

Condition 65

65. Prior to the dedication of the 151.9-acre oak tree habitat area (Lots 872 and 874 of Vesting Tentative Tract Map No. 45433) to the Joint Powers Authority ("JPA"), a conservation and public access easement shall be offered to the County of Los Angeles and a conservation and management easement shall be offered to the Center for Natural Lands Management. The conservation easement shall be consistent in its provisions with any other conservation easements to State or Federal resource agencies which may have been granted as part of mitigation or mitigation banking activities.

EXHIBIT C
Permissible watering areas



VERIFICATION

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I, Alan "Flo" Lawrence, declare as follows:

I am a member of Affordable Clean Water Alliance ("ACWA"), Petitioner in this action. I am authorized to make this verification on its behalf.

I have read the foregoing First Amended Petition for Writ of Mandamus and Complaint and am familiar with its contents. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Santa Clarita, California, on the 26th day of March, 2015.

ALAN "FLO" LAWRENCE

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PROOF OF SERVICE

I, LILLIAN MANZELLA, declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is The Silverstein Law Firm, 215 North Marengo Ave, Third Floor, Pasadena, California 91101-1504. On March 27, 2015, I served the within document(s):

VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDAMUS AND COMPLAINT FOR DECLARATORY RELIEF

☒ by placing the documents listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Pasadena, California addressed as set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ By additional courtesy transmission of the documents listed above via e-mail to counsel for the Santa Clarita Valley Sanitation District of Los Angeles County.

CASE NAME:	**AFFORDABLE CLEAN WATER ALLIANCE v. SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY**
CASE No.:	**BS145869**

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Attorneys for Real Party in Interest LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 27, 2015, at Pasadena, California.

LILLIAN MANZELLA

Exhibit 2

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ROBERT P. SILVERSTEIN (State Bar No. 185105)
SUSAN L. DURBIN (State Bar No. 81750)
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Attorneys for Petitioner
AFFORDABLE CLEAN WATER ALLIANCE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

AFFORDABLE CLEAN WATER ALLIANCE, a California unincorporated association,

Petitioner,

vs.

SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY, a special district; and DOES 1 through 20, inclusive,

Respondents.

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD, a governmental agency; and ROES 1 through 20, inclusive,

Real Parties in Interest.

Case No. BS145869

PETITIONER'S OPENING MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF; DECLARATION OF SUSAN L. DURBIN

Trial Date: February 23, 2016
Time: 1:30 p.m.
Dept.: 85

[Hon. James C. Chalfant]

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I. INTRODUCTION AND SUMMARY OF ARGUMENT.

"How much salt water thrown away in waste, To season love, that of it doth not taste." (Romeo and Juliet, Act 1, Scene 3, Lines 72-73.)

This case involves the Santa Clarita Valley Sanitation District's (District) "Chloride Compliance Facilities Plan", a worthy-sounding project. However, even worthy-sounding projects can cause significant environmental damage and violate CEQA.[1] Petitioner Affordable Clean Water Alliance (ACWA) challenges the District's actions related to the proposed construction of facilities to remove salt from the District's treated wastewater, and the consequent production and disposal of over half a million gallons per day (i.e., close to 200 million gallons per year) of a waste by-product of extremely salty water, called "brine" (the Project). (AR00296.)

The District committed numerous CEQA violations concerning the Project, including:

(1) Approving a Project that the District has since admitted is infeasible and impermissible due to a Conservation Easement burdening the location for the approved Project. CEQA allows approval of a project with significant and unmitigable impacts upon a finding of overriding considerations *only* "if the project is otherwise permissible under applicable laws and regulations." Public Res. Code (hereinafter PRC) § 21002.1(c); City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1450.

(2) Violating PRC § 21080.4(a) and Guidelines § 15096(b)(2) by ignoring directions of the Dept. of Fish & Wildlife as to treatment of the endangered unarmored threespine stickleback fish. The special protection for that exact species was just reaffirmed by the Supreme Court in Center for Biological Diversity v. California Department of Fish and Wildlife, No. S217763 (Nov. 30, 2015).

(3) Violating CEQA by failing to provide substantial evidence to support its claim of no significant impact on the fully-protected stickleback.

[1] Pub. Res. Code §§ 21000, et seq. At the August 6, 2015 hearing granting Petitioner's motion to augment the record, the Court permitted a 20-page opening brief.

(4) Impermissibly deferring and failing to impose mitigation for species harm, specifically harm to the protected Arroyo Toad.

(5) Violating the CEQA mandate of an "accurate, stable and finite" project description for the preferred project, Alternative 4, which was presented in a slanted and prejudicial manner in the EIR, and which distorted the entire CEQA process.

As discussed below, the District's "Chloride Compliance" plan fails to comply with CEQA. A writ of mandate should issue invalidating the District's Project approvals and EIR.

II. STANDARD OF REVIEW.

Questions of law and compliance with CEQA's procedural mandates are reviewed by Courts using the de novo, independent judgement standard; compliance with CEQA's procedures is strictly enforced. Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova (2007) 40 Cal.4th 412, 435 (Vineyard). Questions concerning the proper interpretation of CEQA's requirements are matters of law. Save Our Peninsula Committee v. Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 118. As such, "the existence of substantial evidence supporting the agency's ultimate decision on a disputed issue is not relevant when one is assessing a violation of the information disclosure provisions of CEQA." Association of Irritated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1392. See also Center for Biological Diversity, supra, slip op. at p. 10: "We review this issue de novo, as it is predominantly a legal question of correct CEQA procedure."

Courts defer to the agency if substantial evidence in the record supports the agency's factual determinations. Laurel Heights Improvement Assn v. Regents of the University of California (1988) 47 Cal.3d 376, 393 (Laurel Heights). In a challenge to an EIR, a Court's inquiry extends to whether there was a prejudicial abuse of discretion. PRC § 21168.5. "Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." Id.; Laurel Heights at 392. The "reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.' [Citations.]" Berkeley Keep Jets Over the Bay Comm. v. Board of Port

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Commr's (2001) 91 Cal.App.4th 1344, 1355 (internal quote marks om.) "The public has a right to insist on the adequacy of the environmental document upon which the agency makes its decision, especially when the agency is one of the project proponents." Deltakeeper v. Oakdale Irrigation Dist. (2001) 94 Cal.App.4th 1092, 1109 (emphasis added).

Issues 1, 2, and 5 above are subject to de novo review; no discretion is owed to the agency. Issue 3 is subject to the substantial evidence standard. Issue 4 is a mixed issue of law and fact.

III. STATEMENT OF FACTS.

The District treats the wastewater for most of the Santa Clarita Valley at its Valencia and Saugus water recycling plants, and discharges the treated water, called effluent, to the Santa Clara River (River). The Project would reduce chloride (salts) in the effluent before discharge, pursuant to an order from the Regional Water Quality Control Board (Regional Board) imposing a chloride limit of 100 milligrams per liter of wastewater. The District had a 2015 deadline (AR03385), enforceable by fines (AR04721-22), to meet this limit when it certified the EIR.

A secondary purpose of the Project, essential but seldom discussed in the EIR, is to provide treated effluent to the Castaic Lake Water Agency (CLWA) for municipal and industrial uses. (AR00534.) The District now discharges about 19.5 million gallons per day (mgd) of effluent. (AR00279.) The Project would allow an undisclosed amount of that effluent to be diverted from the River for use by CLWA for nonpotable uses. (AR00252.) This matters because the Santa Clara River has low flow in many places – with "dry gap" areas (AR00539) – and effluent discharged by the District helps keep enough water flowing in the River to support endangered fish species like the unarmored threespine stickleback (stickleback). (AR00539.)

The EIR commits to maintaining at least 13 mgd of effluent regardless of Project alternative. (AR00312.) That is a one-third decrease compared to the current discharge amount of 19.5 mgd. The District claims 13 mgd is adequate to support the stickleback population on grounds that a stickleback population survived in the River in the 1990s, when the District discharged that amount of effluent. (AR00535.)

The EIR presented four alternatives to meet the dual purposes of reduced chloride and diversion of effluent to CLWA. Three of the four would use various combinations of chloride

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reduction technologies (AR00286, 289-290, 303 - 305) to directly meet the chloride limit in the District's discharge; they vary mainly in the method of disposal of the waste product that the treatment would create. The fourth was focused on reducing chloride in the local watershed as a whole, and would not meet the Regional Board's 100 mg/L discharge limit. Alternative 1 would have sent the brine by pipeline to a Los Angeles County sewerage facility (AR00350-51), and Alternative 3 would have trucked it to a disposal site in Los Angeles (AR00354-55). Both were eliminated during the course of the CEQA process. (AR 00050, 04039.) The remaining alternatives were as follows:

1. **Alternative 2** would use treatment techniques to produce effluent that would meet the Regional Board's standard, but would produce high-salt brine as a waste product. The brine was to be piped to a site that has since become legally unavailable, and then injected at that site into nonpotable groundwater aquifers one to two miles below ground surface. This "Deep Well Injection" would require an extensive process to obtain a permit from the federal Environmental Protection Agency . (AR00666, 04067.)

2. **Alternative 4** would not produce effluent that complies with the Regional Board's regulatory standard. Instead, the District would reduce the chloride in its effluent only to 117 mg/L in normal and wet years, and 130 mg/L in drought years. However, the District would reduce basin-wide chloride levels by pumping salty Ventura County groundwater, diluting it with other, low-salt pumped groundwater, then discharging the relatively low-salt mixture to the River in Ventura County. (AR00355-58.) Alternative 4 was described in the EIR, and throughout the entire process until the final approval hearing (AR33586), as the preferred Project, with Alternative 2 discussed solely as a backup. (AR04732, 04598.)

Alternative 4 is loosely based on a basin-wide plan, called the Alternative Water Resource Management (AWRM) plan, negotiated among the District, the Regional Board, local water agencies and other undisclosed "stakeholders" in Ventura County over a period of several years. (AR00345, 04676.) The Regional Board approved the original AWRM in 2008, essentially trading permission for the District to discharge effluent with higher chlorine levels (117 mg/L in normal and wet years, and 130 mg/L in drought years), in exchange for the District's adoption of

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expensive advanced treatment techniques to reduce the chloride content of its effluent, while also building the "salt management" facilities in Ventura County that would lower chloride content in the Santa Clara River downstream of the District (by pumping and blending high-salt and low-salt groundwater and discharging the lower-salt blend to the River). (AR00345-46.)

However, after having participated in the years-long negotiations that produced the original AWRM, the District abandoned it. (AR00346.) Instead, the District split the original AWRM into two Phases: a low-cost Phase I, and a more expensive Phase II that would be carried out only if Phase I did not work well enough. Phase I would use low-salt groundwater to dilute the District's effluent enough to meet the loosened 117 mg/L and 130 mg/L discharge standards that were originally part of the AWRM. (AR00347-49.) The District would also build the salt management facilities in Ventura County, and would turn their management over to the United Water Conservation District, a Ventura County water purveyor. If Phase II were "triggered," the District would build both the salt management facilities and microfiltration and reverse osmosis facilities to treat its effluent. (AR00348-49.)

Phase II would only be required if certain "trigger" events occurred showing that Phase I was not working. (AR3517.) However, despite their obvious importance, neither the "triggers" that would cause Phase II to be carried out nor any environmental impact those "triggers" might cause are described in the EIR. The EIR describes the "triggers" only as "being negotiated" with unidentified Ventura and L.A. County "stakeholders" (AR04113, AR04199, AR04598), and states Alternative 4 will be chosen only if the levels at which these triggers for requiring implementation of Phase II "are acceptable to the District." (AR04732.) Like the triggers themselves, the trigger levels "acceptable to the District" are undisclosed. The EIR states the negotiation of these triggers was being carried on "outside of the Facilities Plan and EIR process." (AR04034-35.) At the final public hearing where the District very suddenly abandoned preferred Alternative 4 and approved Alternative 2 as the Project, District staff stated that the Ventura "stakeholders" with whom the District had been negotiating had withdrawn their support of Alternative 4, and that the staff was no longer recommending it. Even then, the "triggers" were not identified. (AR33586-87.)

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Further, the EIR admitted that because Alternative 4 does not comply with the Regional Board's discharge limit of 100 mg/L of chlorine, it was "infeasible from a regulatory standpoint" (AR00349), and would require a complex permit application process that would include preparation of a new basin-wide plan, together with proof that the River's water quality would not be degraded, before Alternative 4 could be carried out. (AR04597-98.)

All Alternatives would supply some of the District's effluent to the Castaic Lake Water Agency for use as non-potable water, diverting that water from the River. (AR00534.) The District could, under its current authority, divert more than four times the amount it now diverts. (AR00267.) The EIR commits the District to discharge at least 13 mgd into the River (AR00019, 00312), a 6.5-mgd decrease from current discharge levels of 19.5 mgd. (AR00279.) The EIR asserts this amount of effluent would keep enough water in the River to avoid harming the "biological resources" in the River, including the fully-protected stickleback. (AR00535.)

While the District adopted Alternative 2 as the Project, Alternative 2 cannot be carried out as analyzed in the EIR and adopted. The site identified and analyzed in the EIR's Alternative 2 for Deep Well Injection brine disposal became legally unavailable for well drilling before the FEIR was certified, due to the imposition of a Conservation Easement on the site that forbids drilling. (AR33718, 33723.) On August 6, 2015, in granting ACWA's motion to augment the administrative record with the Conservation Easement and three other related documents, this Court issued an order from the bench forbidding the District from using Sites A or B as identified in the EIR for Deep Well Injection. (Durbin Decl., Exh. 1 [Aug. 6, 2015 hearing tran., pp. 5-7].)[2]

The District certified the EIR on October 28, 2013, selecting Alternative 2 as the Project. (AR00001-03.) It gave no explanation for rejection of Alternative 4, other than loss of support for it by unidentified Ventura County stakeholders. (AR33586.) The decision to make Alternative 2 the preferred Project was so late and unexpected that several witnesses remarked upon it with surprise. (AR33615, 33618.) ACWA timely filed this action on November 27, 2013.

[2] As set out in the FAP, the District issued a Supplemental EIR, proposing a new DWI site in January, 2015, but withdrew it approximately two months later. (FAP, ¶¶ 51-54.)

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IV. THE DISTRICT VIOLATED CEQA IN ITS ANALYSIS AND ADOPTION OF ALTERNATIVE 2, WHICH CANNOT BE CARRIED OUT.

A. The District Approved A Legally Impermissible Project.

CEQA explicitly authorizes a public agency to approve a project with significant, unmitigable impacts on the environment, but only if the agency finds there are overriding considerations, and only if "the project is otherwise permissible. . . ." § 21002(c); City of Santee v. County of San Diego (1990) 214 Cal.App.3d 1438, 1450. By its approval of Alternative 2, the District contravened this elemental requirement. The District chose an alternative that was not feasible, in violation of CEQA's requirement that all alternatives must be "feasible," i.e., capable of being carried out in a reasonable amount of time and at a reasonable cost, considering social, economic, and legal factors. Guidelines § 15126.6(a), (b); Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 566 (Goleta Valley).

Alternative 2, which was approved as the Project, would dispose of waste brine by Deep Well Injection, injecting it into wells to be drilled on Site A, inside Significant Ecological Area (SEA) 64. (AR33712-13.) However, in its Answer to the First Amended Petition (FAP), the District admitted the land designated in the EIR for Deep Well Injection is, and was at the time of Project approval, burdened by a Conservation Easement that forbids drilling and the construction of buildings and roads. (Answer at ¶¶ 36-37; AR33723.) (Durbin Decl., Exh. 2 [certified copy of the Conservation Easement as recorded].) Thus, in violation of PRC § 21002(c), Alternative 2 is not permissible. It cannot physically or legally be carried out because the Conservation Easement bans such integral parts of Deep Well Injection as drilling, building structures, and constructing access roads on the land selected for the injection. (AR33723 [Prohibited Uses, Sec. 5 (f), (i), and (l)], something the District was fully aware might occur. AR33710-11 [District knew easement was planned "within two months" and that it "may make it impossible to locate deep well injection facilities in this area."]) "Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." PRC §§ 21168, 21168.5; Laurel Heights, 47 Cal.3d at 392, fn. 5. Such abuse of

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discretion facially occurred with the District's approval of Alternative 2 as the Project – which was a failure to proceed in the manner required by law.

The CEQA process is intended to protect the environment by compelling government "first to identify the environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of **feasible** alternatives." Sierra Club v. State Bd. of Forestry (1994) 7 Cal.4th 1215, 1233 (emphasis added). Alternatives must be "feasible." "Infeasibility" is a filter to eliminate proposed alternatives during the EIR's screening process. Guidelines § 15126.6(c). By extension, since one of the alternatives ultimately will become the approved project, the approved Project itself must be "feasible." "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account . . . legal . . . and technological factors." Guidelines § 15364; Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336, 1353-1354. Yet the approved Project utterly fails in this regard. Approval of Alternative 2 was as absurd as would have been approval of infeasible mitigation measures. What would be the point? Native Sun/Lyon Communities v. City of Escondido (1993) 15 Cal.App.4th 892, 906 ("the thrust of section 21002 and the following section 21002.1, is a concern that *approval* of an EIR for a project should include an examination of feasible mitigation measures") (italics in original; underline added). Both make a mockery of "the integrity of the decisionmaking process required by CEQA" (Laurel Heights, 47 Cal.3d at 425); the District's action "has the process exactly backward[.]" Berkeley Keep Jets Over the Bay, supra, 91 Cal.App.4th at 1371.

The Conservation Easement forbids Deep Well Injection within the covered area, making Deep Well Injection, and thus the approved Project, impermissible on Site A.

[T]he following uses are expressly prohibited at ¶ 5 of the Conservation Easement:

> (f) Construction, reconstruction, or placement of any building or other Improvement . . . ;
>
> (i) . . . [E]xcavating, draining, dredging, mining, drilling . . . ;
>
> (l) Altering the general topography of the Conservation Area, including, but not limited to, by building of roads. . . . (AR33722-23.)

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The Conservation Easement expressly prohibits drilling (such as DWI wells would require, AR00296-298) and construction of buildings and other improvements (such as the support buildings, and pipeline required for transporting effluent to the site, AR00421, 00467).

The District admits the existence of the conservation easement, but denies that it necessarily bans the District from performing DWI (Answer ¶ 39), despite having stated publicly in a now-withdrawn supplemental EIR that the land designated for DWI in Alternative 2 is "no longer available for development because of a recently recorded conservation easement." (FAP ¶ 51, admitted in Answer ¶ 40.) Accordingly, pursuant to its 5th cause of action, ACWA is also entitled to a declaration that the District had no legal right to build facilities for and perform Deep Well Injection on that land, and the District's approval of the Project violated PRC § 21002.1(c).

CEQA does not grant an agency any powers that it does not otherwise possess (Guidelines § 15040(b)), and cannot grant rights that the District does not have to violate the terms of the binding Conservation Easement. The EIR had identified a back-up site, Site B, but, the record shows Site B is not adequate for the Deep Well Injection required for Alternative 2, either. (AR33712 [Site A is the only site "that has the potential to host all the required injection wells and comply with EPA requirements."] See also, AR33716 [Site B "cannot provide all 5 [necessary] injection wells"] and AR04714 [Site B cannot accommodate all necessary wells].)

Because the approved Project is not permissible, cannot be implemented by the District, and could not be when the EIR was certified, the EIR was inaccurate and misleading at the time of certification. The District's findings therefore are, and must be, invalid. Without those findings, approval of the Project violated PRC § 21081(b) and Guidelines §§ 15091(a) and (b), and 15092(b), which forbid approval of a Project unless all of its significant impacts have been mitigated or found subject to overriding considerations. Accordingly, the EIR and the approvals made in reliance on the EIR must be set aside and invalidated.

B. The District Also Failed To Adequately Mitigate Induced Seismicity Dangers.

Even if Alternative 2 had been legal when approved, the EIR failed to adopt adequate mitigation for the dangers of Alternative 2's injection of millions of gallons of brine into the substrata, possibly inducing seismic activity. The EIR admits that Deep Well Injection can induce

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increased seismic activity, both in Appendix 14-A (AR06677 ["[C]ase histories . . . clearly show the direct correlation between DWI activities and induced seismicity"]), and in the EIR. (AR03849.) Exposing persons or structures to such seismic activity is, of course, significant under CEQA. Guidelines, App. G, Section VI(a)(ii). However, although the EIR says the District would "develop a seismic monitoring plan" and "a flow ramp-up schedule during start up" of Deep Well Injection (id.), the EIR does not actually adopt this mitigation, but instead finds the impact to be "less than significant," and *adopts no mitigation*. The EIR cannot have it both ways, relying for its conclusion of no significant impact upon a monitoring plan and ramp-up schedule, but then failing to adopt the mitigation as an enforceable condition on the Project. Mitigation must be enforceable to be adequate. PRC § 21081.6(b); Guidelines § 15126.4(a)(2). Failure to adopt this mitigation in an enforceable form is a per se violation of CEQA.

V. THE DISTRICT AND THE EIR COMMITTED MULTIPLE CEQA VIOLATIONS RELATED TO THE FULLY PROTECTED, ENDANGERED STICKLEBACK.

The California Endangered Species Act (CESA), Fish and Game Code § 2050, et seq., establishes "this state's policy to protect any endangered or threatened 'species or subspecies' if at risk of extinction 'throughout all, or a significant portion, of its range.'" California Forestry Assn., et al. v. California Fish and Game Comm'n. (2008) 156 Cal.App.4th 1535, 1540. CESA gives special protection to designated species, banning the hunting, capturing or killing – collectively known as "take" – of these species unless a permit is obtained first. Fish and Game Code § 2080. A very few species are granted even greater protection. These "fully-protected" species may not be taken at all; *no* permit can be granted for any "take," including kill, of these species. Fish and Game Code § 5515. This special statutory protection, exactly in the Santa Clarita area, was just reaffirmed by the Supreme Court in Center for Biological Diversity v. Department of Fish and Wildlife (Nov. 30, 2015), No. S217763, slip op. at 29-30 (Center for Biological Diversity). The River is home to one such species, the unarmored threespine stickleback ("stickleback"). But the EIR does not adequately recognize or provide this statutorily-required level of protection.

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A. **The District Violated CEQA By Refusing To Place Information In The EIR That Was Requested By Responsible Agency DFW.**

The California Dept. of Fish & Wildlife (DFW) directed that specific analysis regarding the stickleback be in the EIR. The District failed to include it, violating CEQA. This violation is reviewed by the Court de novo. Vineyard, 40 Cal.4th at 427. Courts "scrupulously enforce" CEQA's procedural requirements. Goleta Valley, 52 Cal.3d at 564.

A lead agency is required to include in the EIR information that a responsible agency directs should be in it. PRC § 21080.4(a) provides that "each responsible agency . . . shall specify to the lead agency the scope and content of the environmental information that is germane to the statutory responsibilities of that responsible agency. . . in connection with the proposed project and which, pursuant to the requirements of this division, **shall** be included in the environmental impact report." PRC § 21080.4(a); emphasis added.

Similarly, Guidelines § 15096(b)(2) requires that the responsible agency "shall specify the scope and content of the environmental information which would be germane to the responsible agency's statutory responsibilities in connection with the proposed project. The lead agency **shall** include this information in the EIR." Guidelines § 15096(b)(2); emphasis added.

Here, DFW is a responsible agency; the EIR acknowledges DFW must issue a streambed alteration permit for the pipeline to be used in Alternative 4 for discharge of low-salt groundwater blend in Ventura County. (AR00400.) DFW is also a trustee agency for the threatened and endangered species in the River, including the fully-protected stickleback and the endangered arroyo toad. (AR04048.) DFW commented on the NOP, directing the District to include a "complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species such as but not limited to: unarmored threespine stickleback. . . ." (AR05270, emphasis added.) Under both the PRC and Guidelines, the District was mandated to include in the EIR the information that DFW judged it needed to carry out its own statutory responsibilities. (AR05269-70.)

However, rather than include a "recent" survey, the EIR relies on an in-River survey showing the presence and location (but not the numbers) of sticklebacks performed in 2009, four

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years before the EIR was certified.[3] (AR05046-68.) Further, the aerial River photos, on which the EIR relies in part for its conclusions about available habitat for the stickleback, compare photos of River configuration taken in 1995 with photos of River configuration taken in 2008, five years before the EIR was certified. (AR05079-89.) Nor was the information complete, since it fails to include any estimate of the total numbers of the stickleback, their health, and their increase or decrease in population since the survey was done. (AR00535-36.) Further, DFW did not regard the aerial photo evidence as adequate to demonstrate lack of impact on the stickleback. (AR AR04055.) DFW commented several times that the draft EIR lacked data, including data requested by DFW. (AR04054-57.) This failure to provide information in the EIR that DFW directed the District to include was a violation of a legal duty imposed by PRC § 21080.4(a) and Guidelines § 15096(b)(2), and requires reversal.

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B. The EIR Also Fails Because It Lacks Substantial Evidence That Individual Stickleback Will Not Be Taken.

Fish and Game Code § 5515 forbids the take (including the kill) of any fully-protected fish, including any stickleback, and prohibits the DFW from issuing a permit to allow the kill of any such fish. Center for Biological Diversity, slip op at 30. The statute is clear and absolute.[4] As Kern County Water Agency v. Watershed Enforcers (2010) 185 Cal.App.4th 969, 989 (internal quote marks om.), holds: "Laws providing for the conservation of natural resources such as . . . CESA are of great remedial and public importance and thus should be construed liberally."

All Alternatives have the potential to alter the stickleback's habitat by diminishing the District's effluent discharge, through diversion of effluent to CLWA for nonpotable uses and conversion of effluent to brine through effluent treatment, with the brine being disposed of outside the River. (AR00534 - 35.) Reducing effluent discharge into the River reduces the level of River

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[3] For comparison purposes, in Mitigation Measure BIO-4, the EIR specifies that any survey of the arroyo toad used as a basis for mitigation measures for the toad must be conducted within the previous three years. (AR00026.) A year can be a long time for an endangered species.

[4] See also, Guide to the California Forest Practice Act, Duggan and Mueller, Solano Press Books (2005) at 313-314 ("Under a plain-language reading of the statutes, take of *any* such fully protected species is strictly prohibited under any circumstances other than for scientific research purposes. . . ." (Emphasis added; excerpt attached at Durbin Decl., Exh. 3.)

flows. (AR00534.) The EIR acknowledges that take of any protected species would be a significant impact (AR00519), that the stickleback is fully-protected (AR04744), and that no take of the stickleback can be permitted. (AR04061.) However, the EIR makes the unsupported claim that the Project, and its potentially adverse effect on the stickleback's habitat by diminishing of River flows, "would not result in take of *any* fully protected stickleback." (AR04065, emphasis added.) See Center for Biological Diversity, slip op. at p. 23, citing Guidelines § 15064(f)(5): "unsubstantiated assertion" is not substantial evidence. The District's claim is not supported by substantial evidence, on two counts.

First, the EIR lacks substantial evidence that the Project will not kill "*any* fully protected stickleback." (AR04065, emphasis added.) Instead, all its evidence focuses on the overall *population* of sticklebacks, not on the individual fish. The EIR commits to maintaining an effluent discharge level of 13 mgd, an amount that is equal to the effluent discharged into the River in the 1990s, a period when *a population* of stickleback in the River survived. (AR05095.)

Based on the survival of those populations, the EIR concludes the existing *population* of stickleback currently in the relevant portion of the River will survive at the 13 mgd effluent discharge level. (AR00535 [13 mgd of effluent discharge "would not be expected to result in adverse impact to stickleback populations in the [River] based on a remaining flow higher than historic levels that have supported these species in the past"].) The District apparently interprets Fish and Game Code § 5515 to hold that if the entire stickleback *population* is not wiped out by the Project, then no take, and therefore no significant effect under CEQA, will occur. However, that is not what the statute says. The statute prohibits the take of *any* fully protected fish. See Center for Biological Diversity, slip op. at 32, remarking on Fish and Game Code § 5515's "prohibition on taking *members* of a fully protected species." (Emphasis added.) The EIR provides no analysis of the impacts of diminishing River flows through diminished effluent discharge on *individual* stickleback. In other words, it does not perform a "take" analysis for members of the stickleback population, only the population as a whole. There is no showing that the Project will not "take" individual stickleback. The District's approval of the EIR thus fails on this additional ground.

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C. **The EIR Also Fails Because It Lacks Substantial Evidence That The Population Of Stickleback Will Not Be Taken.**

Second, the EIR's purported demonstration of stickleback population survival is not supported by substantial evidence. The bulk of the EIR's so-called substantial evidence is directed towards showing that the proposed minimum of 13 mgd of effluent discharge is about equal to the effluent discharge at a time some two decades previous. The EIR concludes that this level will ensure no take of the current stickleback population because "historic [River flow] levels . . . supported these species in the past." The EIR's reasoning is that keeping effluent discharge equal to those prior discharge levels will ensure sufficient River flows to support the stickleback population now. (AR00535.) However, this reasoning is flawed, as it is not founded on substantial evidence that the past and present stickleback population and habitat can be equated.

The sizes of the current and "historic" populations are not shown to be equivalent. There is no calculation, not even an estimate, of the relative size of the historic stickleback populations and the size of the current one. This alone makes the comparison unsupportable. City of Hayward v. Board of Trustees of the California State University (Nov. 30, 2015) ___ Cal.App.4th ___, No. A131412, slip op. at 33 (Trustee's argument that student enrollment increase will not impact regional parks because students will use on-campus open space instead of parks held invalid, because park and on-campus facilities not shown to be comparable).

Further, the historic and current environmental conditions in the River, including flow levels, are also not shown to be comparable. DFW's comments note that River conditions in the 1990s are not comparable to current conditions in that the early 1990s were especially wet years, and upstream development of use of the land adjoining the River, and the attendant pressures on stickleback habitat from such development, were much less in the 1990s than now. (AR04057.) In response to that comment, the Final EIR, without citation to evidence, seems to assert that no difference in River conditions can affect stickleback habitat in the River, saying that "[w]et years and dry years could affect flows[5], but the reduced perennial contribution from the [District's

[5] Elsewhere, the EIR states that heavy rains affect River flows significantly (AR04997); presumably, wet years produce such rains.

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plants] would not result in significant habitat degradation or loss." (AR04069.) In response to DFW's comment about increased urban pressures from "well withdraw, landscape watering and overall water use" (AR04057), the EIR makes a very general observation that both District effluent quality and urban stormwater discharges have improved in quality since the 1990s, thereby preventing any significant impact. The response does not address changes in water use and their possible effect on River flow levels, failing to respond to DFW's stated concern about stresses on the stickleback and its habitat. Center for Biological Diversity, slip op. at p. 23: "unsubstantiated assertion" is not substantial evidence. This not only casts doubt on the substantiality of the EIR's evidence, it is also a failure to make a good faith, reasoned response to a comment by a public agency, a patent procedural violation of CEQA. Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1367.

Where an environmental resource is already stressed, even a small additional stress may be cumulatively significant. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 718 (in area exceeding health-based air quality standards, even small additional pollutant emissions may be significant); Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1025 (in area already plagued with noise, even small additional contribution may be significant). So too the stress on stickleback from diminished discharge reducing River flow in an area already experiencing increased well withdrawal and other increased water use.

The EIR tries to minimize recognizing the additional stress the Project would create on the stickleback's habitat. It admits that the Project "would reduce, but not eliminate suitable shallow edge habitat . . . . The variability of channel geometry along the length of the channel *suggests* that . . . suitable habitat would still remain in other areas of the river channel." (AR05094, emphasis added. See also AR05095.) Habitat reduction is a further stressor on the stickleback, and reliance on a presumed "suggestion" that suitable habitat – of unknown capacity – may remain to prevent any take of stickleback does not rise to the level of substantial evidence, since substantial evidence does not include "speculation." Guidelines § 15384(a); Center for Biological Diversity, slip op. at p. 23: "[a]rgument, speculation, [or] unsubstantiated opinion" are not substantial evidence. DFW, the expert agency, did not agree with the District's bald assertion/speculation, stating flatly in its

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comment letter that "[N]either the science nor observational evidence (aerial imagery 1994-2-12, Google Earth 2013) supports the conclusion that the [District's] discharges have a negligible effect on total riparian habitat area. . . ." (AR04055.) DFW further stated that the EIR "should show where habitat is expected to be less or the same, and where it is expected to increase" (AR04053), a standard not met by the EIR's statement that River morphology "suggests" that habitat would exist somewhere along the River to replace any stickleback habitat destroyed by the Project.

With no showing that the historic and present stickleback populations are equivalent, a denial that environmental conditions in the River make any difference, and only a "suggestion" that enough suitable habitat will persist, the EIR lacks substantial evidence for its conclusion of no significant impact on stickleback populations. The EIR admits that "take" of the stickleback would constitute a substantial impact for CEQA purposes. (AR00519.) Having failed to address or disprove the take of *individual* stickleback, and lacking substantial evidence for absence of take of the stickleback *population*, the EIR fails to show that there is no significant impact on this fully-protected species. The EIR is invalid on this additional ground.

VI. THE EIR ALSO VIOLATED CEQA BECAUSE IT IMPERMISSIBLY DEFERRED MITIGATION FOR IMPACTS ON ANOTHER PROTECTED SPECIES.

The stickleback is not the only legally protected species in the River. The arroyo toad, a federally endangered and California species of special concern, is "[k]nown to occur in the [River] and its tributaries." (AR00499.) The EIR admits that "[a] reduction in the [District's effluent] discharge and a commensurate reduction in river flows may reduce the size and abundance of pools suitable for arroyo toad breeding." (AR00537; see also, AR05096.) A reduction in effluent discharge is a feature of all Alternatives. (AR00252.)

The District made a Finding of Fact that Phase I of Alternative 4 in particular "would adversely affect breeding and aestivating habitat of the arroyo toad." (AR00025.) To mitigate this significant impact, the EIR adopted Mitigation Measure BIO-4: Arroyo Toad Survey. This supposed mitigation calls for a survey to determine whether arroyo toads are present in the River where the discharge of low-salt groundwater from the salt management facilities in Phase I could affect them and, if there are, that "a plan shall be developed to determine discharge conditions

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during the breeding and aestivation periods that are compatible with the arroyo toad management goals." (AR00026.) This "mitigation" measure did not specify who shall develop the "plan" or who would be responsible for carrying it out. Further, the "plan" only requires that compatible discharge conditions be identified, not that any actual action be taken. The arroyo toad "management goals" with which the discharge conditions in the "plan" are to be compatible are not identified. While mitigation may be deferred if performance standards for such mitigation are specified and mitigation is shown to be effective at the time of EIR certification, Oakland Heritage Alliance v. City of Oakland (2011) 195 Cal.App.4th 884,892-893, the EIR here provides no performance standards other than complying with completely unidentified arroyo toad "management goals," nor was the "plan's" effectiveness shown. This is inadequate by any measure. Guidelines § 15126.4(a)(1)(B); City of Long Beach v. Los Angeles Unified Sch. Dist. (2009) 176 Cal.App.4th 889, 915. A vague promise to fix things later is not sufficient.

Finally, the entire measure fails to appear in the Mitigation Monitoring Plan adopted by the District Board when it certified the EIR. (See AR00092-93, where the mitigation measures for other biological impacts are set out.) Presumably, since the District Board selected Alternative 2 as the Project, and not Alternative 4, the District felt that if the low-salt *groundwater* discharge in Phase I of Alternative 4 did not occur, then no significant impact would occur. However, the EIR itself states that the reduced *effluent* discharge – a feature of all of the Alternatives – that will reduce River flows "would adversely affect breeding and aestivating habitat of the arroyo toad." (AR00252, 00025.) It would therefore need to be mitigated. Even though the EIR states that "maintaining flows sufficient to support riparian areas and consistently wet channel banks would minimize potential effects [on the arroyo toad]" (AR05097), no such mitigation measure is proposed, nor does Mitigation Measure BIO-4 address the impact of reduced effluent discharge. This admittedly significant impact is simply left unmitigated, a violation of CEQA's duty to adopt all feasible mitigation for significant impacts. PRC § 21081(a).

VII. A VAGUE PREFERRED PROJECT DESCRIPTION TAINTED THE PROCESS.

An "accurate, stable and finite project description" is a bedrock requirement for "an informative and legally sufficient EIR." County of Inyo v. City of Los Angeles (1977) 71

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Cal.App.3d 185, 193. Only through an accurate view of the project may the public and the agency decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, and weigh other alternatives in the balance. In addition, not only must the project description be accurate, it must be complete, including all aspects of the proposed project. City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1450.

Here, when various types of effluent treatment technology were evaluated and ranked, the EIR used a double standard slanted to favor Alternative 4, thus preventing the public from having an accurate view of the environmental benefits and costs of the Project and all alternatives to it. Many effluent treatment approaches were rejected in the Draft EIR on grounds they would not meet the Regional Board's standard, or meet it by the deadline (e.g., at AR00279, 00280, 00282, 00283), yet Alternative 4, which *would not meet either the standard or the deadline*, and which the EIR admitted was "infeasible from a regulatory standpoint" (AR04349) – i.e., was an impermissible alternative under Guidelines §§ 15126.6(a) and (b) – was the preferred Project throughout. As a result, the EIR did not engage in an objective evaluation process, with all criteria openly stated and applied; it stacked the deck for Alternative 4. Had the same standards been applied, different alternatives, using treatment technologies that were rejected because of the Regional Board's deadline, might have been adopted, possibly reducing environmental impacts. Or, if the same criteria of compliance with the Regional Board standard had been applied to Alternative 4, it might have been eliminated early on, enabling commenting agencies and the public to focus on the other Alternatives that actually were potentially feasible, rather than spinning their wheels on Alternative 4. That Alternative 2 was ultimately selected does not remedy the dual-track, thumb-on-the-scales evaluation of treatment technology used in the EIR.

Equally, and perhaps more, important, the District's process for considering Alternative 4 was done behind closed doors, out of the sanitizing light of public scrutiny. As Laurel Heights holds, "The EIR process protects not only the environment, but also informed self-government." 47 Cal.3d at 392. CEQA's full disclosure mandate has as a key purpose to show the public "the basis on which its responsible officials either approve or reject environmentally significant action, and [so that] the public, being duly informed, can respond accordingly to action with which it

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disagrees." People v. County of Kern (1974) 39 Cal.App.3d 830, 842. Here, instead of ensuring that the public was "equally informed" along with the decision makers, Laurel Heights, 47 Cal.3d at 404, the EIR concealed information crucial to the selection of the Project.

The EIR withheld the circumstances under which "the more costly and environmentally impactful elements" of Phase II of Alternative 4 would be triggered.[6] (AR00347, AR04727.) Further, in response to a critical comment by the Regional Board on the absence of clear, publicly-disclosed triggers for Phase II, the Final EIR stated that this information was "being developed *outside* of the Facilities Plan and EIR process . . . ." (AR04035, emphasis added.) Such knowledge was, therefore, kept outside of public disclosure and scrutiny on grounds that the public didn't need to know such details as the reasons for triggering "the more costly and environmentally impactful elements" of Alternative 4 (AR04034-35), a project that would affect the environment where they live, and for which they would be paying through rate assessments. Without full disclosure of the conditions under which the District would carry out Phase II of Alternative 4, the project description was inadequate, since the public could not know whether Phase II would be triggered or what it would actually require and, therefore, what environmental harm it might do. As the Court held in Burbank-Glendale-Pasadena Airport Authority v. Hensler (1991) 233 Cal.App.3d 577, 592, "the defined project and not some different project must be the EIR's bona fide subject." Here, the public did not know what the "defined project" actually was.

Nor could the public determine when – or even if – the preferred Project might be carried out, since the regulatory approvals needed to carry it out could take up to 18 months (AR04597), and, if the Regional Board declined to approve the higher chloride levels in Alternative 4, Alternative 2, the back-up Project, would become the chosen Project. (AR00051.) Thus, the public could not know even which Alternative would ultimately be chosen for as long as a year and a half after the Project was supposedly approved.

The EIR is "a document of political accountability" that allows "the public [to] know the basis on which its responsible officials either approve or reject environmentally significant action."

[6] Members of the public commented on the indefinite and vague description of the triggers, including at AR04256 and 04603, and the Regional Board did so at AR04031-32.

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Laurel Heights, 47 Cal.3d at 392. Here, the EIR process failed that purpose. The public did not know what the triggers were, how the triggers would be activated, or what the triggers would do; the public did not even know whether Alternative 4, if chosen, could or would be carried out, or when. Exclusion of the public in this manner prevented the public from participating in an informed way and was prejudicial. County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 931, 946 ("The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation. Case law is clear that, in such cases, the error is prejudicial"). The Alternative 4 preferred project defects that were the focal point of the EIR process for 99.9% of the process are not severable from the remainder of the EIR. The District does not receive a "get out of jail free" card because it abandoned Alternative 4 an hour before Project approval.

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VIII. CONCLUSION.

The District: (1) approved an impermissible project that cannot be carried out because it is legally infeasible (PRC § 21002.1(c); Guidelines §§ 15126.6(c), 15364); (2) ignored Fish & Wildlife's specific study directions (PRC § 21080.4(a) and Guidelines § 15096(b)(2)); (3) failed to provide substantial evidence that the Project would not "take" both individuals, and the population, of the fully-protected stickleback; (4) deferred mitigation and failed to adopt all feasible mitigation for another endangered species (PRC § 21081(a)); and (5) violated CEQA's full-disclosure requirements by concealing key aspects of its preferred project and evaluating alternative technologies in an unequal and biased manner to favor Alternative 4.

Petitioner ACWA respectfully requests that its petition for writ of mandate and complaint for declaratory relief be granted, and that the EIR, and the approvals based on the EIR, be reversed.

DATED: December 7, 2015

THE SILVERSTEIN LAW FIRM, APC

By _____

ROBERT P. SILVERSTEIN
SUSAN L. DURBIN
Attorneys for Petitioner
AFFORDABLE CLEAN WATER ALLIANCE

DECLARATION OF SUSAN L. DURBIN

I, SUSAN L. DURBIN, declare and state as follows:

1. I am an attorney licensed to practice in all courts of the State of California, and am an attorney with The Silverstein Law Firm, APC, counsel to Petitioner Affordable Clean Water Alliance (ACWA) in this case.

2. I am personally familiar with the facts stated in this declaration. If called as a witness I could and would competently testify to thereto.

3. Attached to this declaration as **Exhibit 1** is a true and correct copy of the Reporter's Transcript of Proceedings, reporting the proceedings in this case on August 6, 2015, in Department 85, the Hon. James C. Chalfant presiding.

4. Attached to this declaration as **Exhibit 2** is a true and correct copy of the Certified Conservation Easement Deed, dated October 14, 2013.

5. Attached to this declaration as **Exhibit 3** are true and correct copies of excerpted pages from The Guide to the California Forest Practice Act and Related Laws, namely pages 313-314. The cover page of The Guide to the California Forest Practice Act and Related Laws, the document from which they are excerpted, is also provided for context.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of December, 2015, at Pasadena, California.

Susan L Durbin

SUSAN L. DURBIN

Exhibit 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 85 HON. JAMES C. CHALFANT, JUDGE

AFFORDABLE CLEAN WATER ALLIANCE,)
PETITIONER,)
vs.) NO. BS145869
)
SANTA CLARITA VALLEY SANITATION)
DISTRICT,)
RESPONDENT.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, AUGUST 6, 2015

FOR PETITIONER: ROBERT P. SILVERSTEIN, ATTORNEY AT LAW
and SUSAN DURBIN, ATTORNEY AT LAW

FOR RESPONDENT: PAUL BECK, ATTORNEY AT LAW and
JESSICA L. BECKWITH, ATTORNEY AT LAW

BUFORD J. JAMES
OFFICIAL REPORTER 9296
111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012

TUESDAY, AUGUST 6, 2015; LOS ANGELES, CALIFORNIA
9:30 A.M.

THE COURT: Affordable Clean Water Alliance versus Santa Clarita Valley Sanitation District of Los Angeles County, BS145869, number three on calendar.

MR. BECK: Good morning, your Honor, Paul Beck and Jessica Beckwith for respondent.

MR. SILVERSTEIN: Thank you, your Honor. Robert Silverstein appearing on behalf of the petitioner Affordable Clean Water Alliance.

MS. DURBIN: Good morning, your Honor, Susan Durbin appearing on behalf of ACWA.

MS. BECKWITH: Mr. Beck introduced me, Jessica Beckwith on behalf of respondent.

THE COURT: Good morning. This is here on a motion to augment the administrative record in this case. Petitioner seeks to augment with five items -- four items, three pieces of correspondence and a conservation easement. The pieces of correspondence are easy because they are required to be in the record under 21167.6(e)(7) and (10), whether or not they are relevant.

The opposition says they are irrelevant because the matter is moot. They are not -- the respondent is not placing the deep well injection site at the site indicated in the final environmental impact report, and some supplemental environmental review will be required. I'm going to address that in a minute, but that doesn't

prevent what is required to be in the record to be in the record.

The harder issue is the conservation easement, which is clearly -- both sides agree this is a quasi-legislative decision, and in a quasi-legislative decision it is difficult to add extra record evidence. The evidence must have existed at the time of the agency's decision and be evidence that could not have been presented.

The question -- one question is who is the person who could have presented it and could not have presented it at the hearing. Is it the applicant or the petitioner in this case, is it any party that received notice of the public hearing, or is it any party who appeared and opposed at the public hearing?

It's certainly not any party who received notice, but I did waffle on whether I thought it should be merely the petitioner or any party who opposed on the theory that their could be conclusion between parties who oppose. Somebody who -- if Newhall Land had appeared and opposed, for example, and did not present the easement and then Newhall Land agrees that petitioner would be the one filing the lawsuit in order to avoid any suggestion that they should have presented the easement, that would be the kind of thing that the Supreme Court thinks is game playing that should be prevented.

I think their argument is that it would be any party that opposed, but, ultimately, I concluded that

it should be the appearing party, but the appearing party includes the agents or anybody who -- I don't want to use the word "collusion," but who is in agreement with the petitioner.

So it seemed like the easement meets the test for admission only because the petitioner contends that the District should have known that the easement was going to be approved. I'm not sure how compelling an argument that is. To some extent it's unnecessary to worry about because there is a dec relief claim, and the easement is clearly improperly authenticated, going to be admitted as relevant evidence for the dec relief claim.

I mean, the whole point here is is that circumstances have changed since the District was contemplating the use of site A, and those changed circumstances, that's what the dec relief would be pertinent to. So I'm somewhat hesitant, but I also think it's probably not important that the conservation easement be part of the record.

But let's address the issue of mootness, which may obviate any further discussion of this. It seems to me that if the District does commit to the fact they are not using site A or site B that is contained in the FEIR and they are using some third site which happens to be, I think, 800 feet away from site A, that would render moot, it seems to me, this whole argument, this whole issue; not the other issues in the lawsuit, but the issues to which the motion to augment pertain.

MR. BECK: Your Honor, I would say that's the case. In fact, the status of the project has gone even beyond what you are suggesting. There was a supplemental EIR that was put out on the street for moving the site 800 feet away. That was withdrawn.

THE COURT: Right.

MR. BECK: The District is doing further CEQA, but -- and, you know, they are going to come up with a different either a DWI location, more likely, a different solution for the brine disposal, but it won't be coming back to site A or site B.

THE COURT: Okay.

MR. BECK: That's just not going to happen.

THE COURT: So assuming this motion is granted, it is mooted by that representation, is it not?

MR. SILVERSTEIN: No, your Honor, because it is entirely speculative as to what the District intends to do, whether it will actually come to fruition, how much of the original final EIR will be relied upon in this new document.

THE COURT: Why do we care? In your challenge to the final EIR, why do we care about the document that is coming that we don't know what it contains? I have a commitment from counsel that they are not going to use site A or site B, and that is all that is within the scope of your petition.

MR. SILVERSTEIN: No, your Honor, it's not --

THE COURT: There are other issues, but on this

point, the location of DWI, the issue is mooted. They are not going to be on site A or site B.

MR. SILVERSTEIN: We don't know, your Honor, until there's an actual document --

THE COURT: Well, wait. I have a lawyer, essentially, admitting, which I am willing to accept as a an officer of the court, that they are not going to drill on site A or site B.

MR. BECK: That is correct, your Honor.

THE COURT: We also have a declaration which sort of says that too, but, I mean, the District is now committed. They can't drill on site A or site B, at least not without coming back to me and getting approval. So I think you are protected. You don't need to worry about it.

MR. SILVERSTEIN: Assuming that -- I am delighted to have an admission by counsel, assuming counsel is authorized to bind an elected --

THE COURT: I would be very upset if he was not. Are you authorized to bind your client, counsel?

MR. BECK: Well, I can't bind -- an elected body could probably overall what I am saying, but from my understanding and from the actions that the Board has taken since the time that the original EIR was certified, there would be no reason to -- there would have been no reason to go to site C if they were planning to go to site A or site B.

THE COURT: Well, so for mootness purposes, I have your commitment that they are not going to site A or

site B, and I will issue an order that I don't care whether they change their minds an elected bodies or not, if they do change their minds they are going to have to come back to me and obtain court approval to go back to site A or B.

MR. BECK: I'm comfortable with that, your Honor.

MR. SILVERSTEIN: Your Honor, the concern that we have is -- you have just heard Mr. Beck say he cannot bind this --

THE COURT: Well, he's being careful. It's an elected body. He doesn't not want to step on toes.

MR. SILVERSTEIN: How do I put this politely that there is not -- this agency -- I'm not referring to Mr. Beck. Everything between Mr. Beck and me has always been good and professional -- this agency and the public's interaction with this agency, this agency has proven itself to be mercurial and far less than trustworthy than it should. Whatever representations the agency is making, to me, are meaningless until and unless we see another document.

What would be meaningful, your Honor, is what we have been asking for since very early in this case since we've discovered the conservation easement that the District must take an affirmative action to, A, decertify the EIR and, B, withdraw their Notice of Determination. I don't want to trust. I want to trust and verify.

MR. BECK: The EIR is more than DWI, your Honor, leaving aside counsel's unsupported comments about my client.

THE COURT: You don't want to decertify the EIR.

MR. BECK: You supplement --

THE COURT: There is now a court order that they cannot use location A or B without approval. That issue is moot. Okay. We're done. I'm going to still adopt the tentative. We're going to still include these documents in the record, but they are not really relevant to anything that I'm aware of.

MR. SILVERSTEIN: We would submit on that, your Honor.

THE COURT: Okay.

MR. SILVERSTEIN: We would submit on your adopting the tentative. I understand what you are saying about whether they are relevant or not, but as long as they are part of the record and can be argued --

THE COURT: Right. We have cut a piece of this case out.

MR. BECK: As long as the Court's ruling on mootness goes to the ultimate order, I'm perfectly fine.

THE COURT: Okay. We have a briefing schedule -- we haven't set a trial. So we don't need this piece in the case. That will be your lawsuit challenging the supplemental documents, supplemental EIR, or whatever they are going to call it.

MR. SILVERSTEIN: If there is one.

MR. BECK: There will be one, your Honor.

MR. SILVERSTEIN: There will be a supplemental EIR?

MR. BECK: There will be a supplemental EIR or some sort of EIR, yes. We're not going back to site A or site B.

THE COURT: What's the other one called? Supplemental or --

MR. BECK: Subsequent.

MR. SILVERSTEIN: Well, there are different levels of environmental review. If they are saying there is going to be a supplemental or a subsequent, that's better than them saying in the declaration there is further CEQA processing going on. That can be an addendum, a Notice of Exemption. Those are problematic.

MR. BECK: Your Honor, there has been no Notice of Preparation issued. It's premature to say exactly what it will be.

THE COURT: It's also beyond the scope of what I am looking at.

MR. BECK: Absolutely.

THE COURT: I only look at what is in front of me. We are ready to -- the record is ready? Yes, it is.

MR. BECK: Once we add the few documents that we stipulated to and the ones that --

THE COURT: Well, this is CEQA trial -- how extensive is the record, by the way?

MS. BECKWITH: I think -- well, your Honor, I believe it's around 23,000 pages at the moment.

THE COURT: Okay. 23,000 pages. So I am ordering a joint appendix. You both know what that is?

MR. SILVERSTEIN: Yes, your Honor.
MR. BECK: Yes, your Honor.
MS. BECKWITH: Yes, your Honor.
THE COURT: Okay. So as is customary, in my court anyway, when the record is extensive and I have ordered a joint appendix, a joint appendix is all I really care about. I do not require that you haul a bunch of boxes of 23,000 pages into my court. You can if you want to, but you can also do it on a disk and never print hard copies of anything except the joint appendix. That's up to you.
MS. BECKWITH: Your Honor, may we submit the record to you on a flash drive?
THE COURT: You can submit it on anything you want. I'm not going to look at it.
MS. BECKWITH: Then we may not do that.
MR. BECK: The joint appendix is the documents, I assume, that the parties mention in their --
THE COURT: It is. And as long as we're talking about it, but, please, you know, make pin cites to these document pages. If you cite a broad range of pages, 400 to 425, that's not helpful to me. It makes for a huge joint appendix. Cite to the pages that are really important.
I should say that if you think you've got a draft EIR and some portion of it is significant and you are citing to one page of that section and you want me to see the whole section, you can include that in the joint appendix or you can, you know, provide it separately or

something.

The purpose of the joint appendix is for me to take home the pages I am going to be looking at. So when you give me a 10-volume joint appendix, that's not helpful. Ideally, it's a single volume that I can take back and forth. That's its purpose.

So is this -- I know it's a CEQA case with a lot of pages. Maybe it's a couple issue CEQA case where 15 pages would be sufficient.

MR. SILVERSTEIN: I know your Honor is not enthusiastic about overlength briefs.

THE COURT: That's correct.

MR. SILVERSTEIN: I know I have somehow managed to persuade your Honor in the past that overlength briefs were justified.

THE COURT: You have burdened me, yes.

MR. SILVERSTEIN: But in furtherance of having a comprehensive set of issues and arguments and with the factual background that's necessary, I would respectfully submit that perhaps a slight increase. Instead of 15, 15, 10; maybe 20, 20 and 12 would be appropriate. And I did discuss this with Ms. Durbin in advance. For what it's worth, we both think that that would actually facilitate resolution of the case by enabling us to better present issues for your Honor.

MR. BECK: Since we don't have a statement of the issues yet from petitioner, I guess we don't know what the issues are, but I suppose I wouldn't have any objection to

kicking it a little bit.

THE COURT: It's usually me that --

MR. BECK: I figured the Court would be concerned about that.

THE COURT: How about 20, 20, and 10?

MR. SILVERSTEIN: Thank you, your Honor.

MR. BECK: Fair enough.

THE COURT: That way you don't have to come back ex parte. All right. 20, 20, and 10. It's a CEQA trial. I only do one of those a month. What's the next available CEQA month?

THE CLERK: Tuesday, February the 23rd.

THE COURT: February 23rd at 1:30.

Briefing schedule, how do you want to set that?

MR. BECK: I think we can probably work it out with counsel.

MR. SILVERSTEIN: Yes, we should be able to work it out. My understanding is that the Court prefers or expects a reply and the lodging of the joint appendix roughly five court days before the --

THE COURT: It's a minimum of five court days. More would be appreciated if you really want -- I mean, depends on whether I take a case under submission or not, but if I work it up ahead of time, more than five court days would be appreciated.

MR. SILVERSTEIN: Okay.

MR. BECK: Yeah. That will work.

THE COURT: You will lodge the -- at least the joint appendix and whatever you have agreed upon for the record at the time of filing the reply brief.

MR. SILVERSTEIN: Correct, your Honor.

There's one issue I wanted to preview. We're now at a point where we're going to have a complete record. We had originally elected to prepare the record ourselves. There has been a lot of time gone by. There has been some disagreement, and the agency has sort of taken on that process over my objections, but at this point we haven't gotten any kind of an updated cost invoice from them. The last I heard months ago it was going to be roughly 10,000. And, in fact, the Agency had said that it had gone down slightly for some reason. I just want to make sure that there is no some looming fight about all of sudden we're going to hear that we're now looking at a $50,000 record cost.

MS. BECKWITH: Your Honor, the only reason for the delay is that when the District certified the record in March or April, I can't remember, we gave you the updated cost information, and at that time you presented the District with some documents that you wanted added to the administrative record that the District agreed to. And then we said, well, in light of your motion to augment, why don't we wait until that time and certify one more time with both the agreed-upon documents and any documents the Court ordered added. I believe that will be a total of eight documents added which should be a couple -- I can't

estimate the exact charges, but maybe a hundred, 200 more dollars. So, no, there is not going to be a dramatic increase in the cost estimate from what we last provided you.

MR. SILVERSTEIN: I appreciate that.

THE COURT: Okay. In your briefs remind me that I have found this particular issue to be moot, the location of DWI. Because I'll forget.

MR. BECK: We won't forget, your Honor.

THE COURT: All right. Is there anything else?

Manner of service, how do you want to serve your briefs?

MR. SILVERSTEIN: Email and mail or email and overnight.

MR. BECK: That's fine with us, your Honor. I would like to get a date certain on --

THE COURT: Which do you want, overnight or mail?

MR. SILVERSTEIN: We're going to email. Let's say email and mail.

THE COURT: Okay. Email and mail.

MR. BECK: One thing I would like to ask a for date certain for a statement of issues. We'll have a record. We filed an answer already. So...

MR. SILVERSTEIN: I know in past cases your Honor has said that statement of issues is not something --

THE COURT: I never look at it. I am required to rule on all issues raised, but issues -- those are the issues raised in the briefs, not in a statement of issues.

So I never look at it, but I can understand why respondent would want to have it. Give him a date by which he will have it.

MR. SILVERSTEIN: The statement of issues?

THE COURT: All right.

MR. BECK: November 1.

THE COURT: Is that all right?

MR. BECK: That's fine.

MS. BECKWITH: Yeah, that's fine.

MR. BECK: That will work.

THE COURT: Okay. Anything else?

MR. BECK: No, your Honor.

MR. SILVERSTEIN: No, your Honor.

THE COURT: All right. Notice waived?

MR. BECK: Notice waived.

MR. SILVERSTEIN: Notice waived, your Honor.

THE COURT: Thank you.

MR. SILVERSTEIN: Thank you, your Honor.

MS. DURBIN: Thank you.

MR. BECK: Thank you, your Honor.

MS. BECKWITH: Thank you, your Honor.

(Proceeding adjourned at 10:34 a.m.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 85 HON. JAMES C. CHALFANT, JUDGE

AFFORDABLE CLEAN WATER ALLIANCE,	)	
PETITIONER,	)	
vs.	)	NO. BS145869
	)	REPORTER'S
SANTA CLARITA VALLEY SANITATION	)	CERTIFICATE
DISTRICT,	)	
RESPONDENT.	)	

I, Buford J. James, CSR 9296, Official Reporter of the Superior Court of the State of California, for the County of Los Angeles, do hereby certify that the foregoing pages 1 through 14, inclusive, comprise a full, true, and correct transcript of the testimony and proceedings held in the above-entitled matter on TUESDAY, AUGUST 6, 2015.

Dated this 26th day of AUGUST, 2015.



Buford J. James, Certified Shorthand Reporter

Buford J. James, CSR 9296

Exhibit 2

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10/22/2013
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TITLE

Conservation Easement Deed

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Signature of Declarant or Agent determining tax - Firm Name

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CONSERVATION EASEMENT DEED
(Westridge Conservation Area)

This CONSERVATION EASEMENT DEED is made this 14th day of October 2013, by THE NEWHALL LAND AND FARMING COMPANY (a California Limited Partnership), a California limited partnership, ("Grantor") in favor of CENTER FOR NATURAL LANDS MANAGEMENT, a California nonprofit corporation, ("Grantee") with reference to the following facts:

"This is a conveyance of an easement ~~(Oil and Gas Lease)~~ and the consideration and value is less than $100, R & T 11911"

RECITALS

A. In May 1999, the County of Los Angeles ("County") Board of Supervisors approved that certain Newhall development commonly known as Westridge in the community of Valencia, located in an unincorporated portion of the County, State of California, Vesting Tentative Tract Map No. 45433 ("Westridge" or "Westridge Development").

B. Westridge includes approximately 167.8 acres generally described as Lots 181 and 182, Tract Map No. 45433-02, and which lots are designated as Assessor's Parcel Nos. 2826-135-012 , 2826-135-013, and 2826-135-014 (the "Westridge Conservation Area" or "Conservation Area"), more particularly described in Exhibit A ("Westridge Conservation Area Legal Description"), attached hereto and incorporated herein by this reference. Grantor no longer owns any real property interest in the Westridge Development other than its present fee ownership of the Westridge Conservation Area. Grantee acknowledges that the County of Los Angeles has designated the Conservation Area as Open Space or its equivalent, as documented by Final Map No. 45433-02 approved by the County of Los Angeles and recorded May 16, 2002, in the official records of the County.

"see Ex. A"

C. The Westridge Conservation Area possesses certain wildlife and native habitat values (collectively, "Conservation Values"). These Conservation Values include, but are not limited to, high quality habitat for the Southern California rufus-crowned sparrow (*Aimophila ruficeps*) and the short-eared owl (*Asio flammeus*), and ~167.8 acres of native valley oak savanna, dominated by ~85.6 acres of native

2A

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grasslands, valley oak trees (~95%), coastal live oak trees (~5%), and Ventura coastal sage. The state Legislature has found and declared that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California, and it is the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified non-profit organizations.

D. In approving the Westridge Development, the County Board of Supervisors required the dedication in fee of the Westridge Conservation Area to a joint powers authority, and further required that prior to such dedication, a "conservation and management easement" be offered to Grantee, pursuant to Condition 65 of the Board of Supervisors' approval of Vesting Tentative Tract Map 45433 (5) on May 11, 1999 ("Condition 65"), attached as Exhibit B. It is Grantor's intent that this document now implements and satisfies Condition 65 with regards to the dedication of a conservation and management easement to Grantee. "sel Ex. B"

E. Grantor intends that this Conservation Easement Deed provide a conservation and management easement in accordance with Condition 65 and that the Conservation Area be preserved and maintained in a manner that retains the Conservation Values in perpetuity in accordance with this Conservation Easement Deed.

F. Grantee is a tax-exempt non-profit organization qualified under Section 501(c)(3) of the IRC and qualified to do business as a nonprofit in the State of California. Grantee has as its primary purpose the management of land in an environmentally and biologically beneficial manner consistent with state and federal environmental laws. Grantee is authorized to hold interests in real estate, including conservation easements, pursuant to California Civil Code Section 815.3 and California Government Code Section 65965, et seq.

G. Grantor intends, as owner of the Conservation Area, to convey to Grantee the right to preserve and protect the Conservation Values of the Conservation Area in perpetuity as provided by this Conservation Easement Deed.

H. Grantor further intends at a later date to convey fee title to the Conservation Area to the Newhall Ranch High Country Recreation and Conservation Authority ("JPA"), a joint powers authority formed pursuant to California Government Code sections 6500, *et seq.*, after which time Grantor and Grantee intend that Grantor will be released from all obligations arising under this Conservation Easement Deed in accordance with Section 27 (Termination of Rights and Obligations), those obligations being assigned to and assumed by JPA as intended and provided by Section 26 (Successors) in this Conservation Easement Deed.

I. Grantee intends, by acceptance of the grant made hereby, forever to honor the intentions of Grantor to preserve and protect in perpetuity the Conservation Values of the Conservation Area.

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NOW, THEREFORE, Grantor and Grantee agree as follows:

COVENANTS, TERMS, CONDITIONS, AND RESTRICTIONS

In consideration of the above recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of California, including California Civil Code Sections 815, *et seq.*, Grantor does hereby voluntarily grant and convey to Grantee a conservation easement in gross in perpetuity over the Conservation Area of the nature and character and to the extent hereinafter set forth ("Conservation Easement" or "Conservation Easement Deed"). This Conservation Easement shall run with the land and be binding on Grantor's heirs, successors, administrators, assigns, lessees, and other occupiers or users of the Conservation Area or any portion of it.

Grantor and Grantee further agree as follows:

1. **Recitals.** All paragraphs in the Recitals are incorporated herein and shall be included as part of the terms and conditions of this Conservation Easement.

2. **Purpose.** Subject to the terms and conditions hereof, the purpose of this Conservation Easement is: (a) to ensure that the Conservation Area will be retained in perpetuity predominantly in a Natural Condition; and (b) to prevent uses of the Conservation Area inconsistent with the Natural Condition that will impair or interfere with the Conservation Values ("Purpose"). Grantor intends that this Conservation Easement will confine the use of the Conservation Area to such activities as those involving the preservation of native species and their habitat and passive recreation, in a manner consistent with the Purpose of this Conservation Easement and other activities reserved to Grantor under this Conservation Easement. The term "Natural Condition" shall mean the condition of the Conservation Easement Area as it exists at the time this Deed is executed and as documented in a written baseline report agreed to by both the Grantor and Grantee, as well as any future changes to the Conservation Area resulting from activities allowed under this Conservation Easement.

3. **Grant of Rights.** To accomplish the Purpose of this Conservation Easement as described in Section 2, Grantor hereby grants to Grantee the following rights:

(a) To identify, preserve and protect in perpetuity the Conservation Values of the Conservation Area;

(b) To enter upon the Conservation Area at reasonable times: (1) in order to enforce the terms of this Conservation Easement; and (2) for scientific research and interpretive purposes by either Grantee or the designees of Grantee, provided that the Grantee in entering the Conservation Area

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shall not unreasonably interfere with authorized uses or quiet enjoyment thereof; and

(c) To prevent any activity on or use of the Conservation Area that is inconsistent with the Purpose and covenants, terms, conditions, and restrictions of this Conservation Easement and to restore such areas or features of the Conservation Area that may be damaged by flood, fire, storm, earth movement or other disaster, vandalism or any other activity beyond the control of Grantor that affects the Conservation Area.

4. **Obligations of Grantor and Grantee.**

(a) To accomplish the Purpose of this Conservation Easement as described in Section 2, Grantor, or Grantor's successor(s)-in-interest, shall:

(1) Undertake reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the Conservation Values of the Conservation Area;

(2) Comply with the terms of this Conservation Easement and cooperate with Grantee in the protection of the Conservation Values;

(3) Repair damage to the Conservation Area directly caused by Grantor, Grantor's guests, representatives, employees or agents, as well as damage caused by acts of third parties within the control of Grantor;

(4) Obtain any governmental permits and approvals applicable to any activity or use by Grantor permitted by this Conservation Easement, and comply with all applicable federal, state, local and administrative agency statutes, ordinances, rules, regulations, orders or requirements.

(5) Construct, repair and maintain trails (including ballards, railings, bridges, drainage, and other trail amenities), as necessary to provide for public access in accordance with the offer of dedication to the County in accordance with Condition 65.

(6) Periodically patrol the Conservation Area and establish and maintain practicable access controls to prevent unlawful entry, unlawful activities and uses prohibited by this Conservation Easement.

(b) To accomplish the Purpose of this Conservation Easement as described in Section 2, Grantee shall:

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(1) Preserve and retain the Conservation Area for its Conservation Values;

(2) Prevent any activity on or use of the Conservation Area that is inconsistent with the Purpose and terms of this Conservation Easement;

(3) Maintain signs identifying the Conservation Easement pursuant to Section 10 below;

(4) Perform routine compliance inspections of the Conservation Area;

5. **Prohibited Uses.** Any activity on or use of the Conservation Area by Grantor, Grantee, their guests, assigns, employees, agents and third parties that is inconsistent with the Purpose of this Conservation Easement is prohibited, except as such activities are otherwise reserved by Grantor pursuant to Sections 7 and 8, below, or as allowed in any easements or reservation of rights recorded in the chain of title to the Conservation Area at the time of recordation of this Conservation Easement Deed. Without limiting the generality of the foregoing, the following uses are expressly prohibited:

(a) Unseasonable watering and fire protection activities, except in those areas within easements for the Westridge Valencia Master Homeowners Association, County of Los Angeles Landscape and Lighting Assessment District, and Valencia Water Company as shown on Exhibit C, and except where a public agency deems it necessary to protect residential and commercial interests against loss; "see Ex. C"

(b) Use of off-road vehicles and use of any other motorized vehicles, except: (i) on existing roadways (improved or unimproved), if any, provided that off-road uses are not to be prohibited if for the purpose of conducting activities associated with or required by this Conservation Easement, including, but not limited to, maintenance of roads, bridges, trails, fences, utilities, vegetation, irrigation and water lines, water wells, flood control facilities, weed abatement, and emergency operations, (ii) by grantor in the exercise of the rights reserved by the Grantor hereunder and whose use of such vehicles is otherwise consistent with the Purpose of this Conservation Easement;

(c) Grazing, except as a use for conservation purposes in accordance with an approved plan and/or permit, or other agricultural activity of any kind;

(d) Active recreational activities such as motorized or manual biking, hunting, or fishing. This prohibition is not intended to limit in any manner the conduct of public access and passive recreational activities otherwise consistent with the Purpose of this Conservation Easement in accordance with Condition 65;

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(e) Commercial, institutional, residential, or industrial uses;

(f) Construction, reconstruction, or placement of any building or other improvement, billboard, or sign, except signs as required by Sections 4(a)(4), 4(b)(3) and 10, or consistent with the Purpose of this Conservation Easement;

(g) Depositing or accumulation of soil, trash, ashes, refuse, waste, bio-solids or like materials;

(h) Planting of non-native or exotic plants or the introducing of non-native animal species, except such plantings and introductions as may be incorporated into an approved integrated pest management program, and excluding those areas within the Westridge Valencia Master Homeowners Association and County of Los Angeles Landscape and Lighting Assessment District easement areas;

(i) Except as otherwise permitted by Sections 7 and 8 below, filling, dumping, excavating, draining, dredging, mining, drilling, removing or exploring for or extraction of minerals, loam, gravel, soil, rock, sand or other material on the surface of the Conservation Area;

(j) Removing, destroying, or cutting of trees, shrubs or other vegetation, except as required for: (i) fire breaks; (ii) maintenance of roads, bridges, trails, fences, utilities, irrigation and water lines, water wells, flood control facilities, weed abatement, and emergency operations; (iii) prevention or treatment of disease; (iv) required mitigation programs, if any; and (v) habitat maintenance and enhancement, which may include the application of pesticides and fertilizers. Excepted from this prohibition are those areas within the Westridge Valencia Master Homeowners Association and County of Los Angeles Landscape and Lighting Assessment District easement areas;

(k) Degrading or polluting prohibited by law, as is alteration and impounding of watercourses, unless such activity is undertaken pursuant to any/all applicable permits/approvals issued by the appropriate regulatory agencies; and

(l) Altering the general topography of the Conservation Area, including, but not limited to, by building of roads, building of foot, horse or bike trails, and flood control work, except as expressly reserved in Sections 7 and 8 below.

6. **Limitations of Conservation Easement.** Subject to those limitations set forth in Section 5 above, Grantor and Grantor's successor(s) in interest shall retain full fee ownership and full use of the Conservation Area. Though Grantor agrees to restrict its

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activities as provided in Section 5 above, Grantee shall have no right to require Grantor to affirmatively conduct new or additional activities on the Conservation Area in order to preserve and enhance native biota. Grantee shall have no independent right under this Conservation Easement to restrict activities conducted by Grantor outside of the Conservation Area it believes may impact the preservation and enhancement of native biota within the confines of the Conservation Area. In addition to those rights specifically reserved under Sections 7 and 8 below, Grantor expressly reserves for itself, its successors and assigns, the right to use the Conservation Area for all purposes not inconsistent with the Purpose of this Conservation Easement, as defined in Section 2, above.

7. **Reserved Rights.** Grantor excepts from this Conservation Easement and reserves to itself, and to its personal representatives, heirs, successors, trustees and assigns, all rights accruing from or relating in any way to its fee ownership of the Conservation Area that are not inconsistent with the Purpose or the covenants, terms, conditions, and restrictions of this Conservation Easement including, but not limited to, the rights set forth below and in Section 8:

(a) The right to engage in or to permit or invite others to engage in all uses of the Conservation Area that are not inconsistent with the Purpose of this Conservation Easement;

(b) The right to remove and abate exotic plants (such as *Arundo donax*) or animals; to use herbicides approved by the United Stated Environmental Protection Agency in a manner not inconsistent with its labeling; to conduct biological or water quality monitoring; and/or to conduct habitat restoration or enhancement mitigation measures;

(c) All oil, oil rights, minerals, mineral rights, natural gas rights and other hydrocarbons by whatsoever name known, geothermal steam, and all products derived from any of the foregoing, that may be within or under the Conservation Area, together with the perpetual right of drilling, mining, exploring and operating therefore and storing in and removing the same from such real property or any other real property, including the right to whipstock or directionally drill and mine from properties other than the Conservation Area, oil or gas wells, tunnels and shafts into, through or across the subsurface of the Conservation Area, and to the bottom of such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, store, explore or operate through the surface of the Conservation Area or the upper five hundred feet (500') of the subsurface of the Conservation Area;

(d) The right to grant easements for utilities, roads, trails, bridges, or flood control improvements or any other uses not inconsistent with the Purpose

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of this Conservation Easement, provided that if such activities are to discharge dredged or fill material into waters of the United States, such activities have been specifically permitted by the U.S. Army Corps of Engineers, to the extent otherwise required by law;

(e) The right to conduct those activities and to construct those facilities identified in related permits or approvals, including, but not limited to, the construction of bank stabilization, trails, temporary creek crossings, utilities, bridges, and roadways;

(f) The right to conduct flood control maintenance and inspection activities, whether performed by Grantor, its agents or assigns, or the County of Los Angeles. Such flood control maintenance and inspection activities include, but are not limited to, periodic clearing of vegetation and debris removal;

(g) The right of access, ingress and egress over designated and existing foot and equestrian trails located within the Conservation Area;

(h) The right of access, ingress and egress over existing paved and dirt roads located within the Conservation Area;

(i) Consistent with the Purpose of this Conservation Easement, the right to maintain, to use, to construct, install, restore, improve, relocate and modernize any and all improvements located on the Conservation Area at the time this Conservation Easement is recorded, or any and all improvements that may be necessary or useful for or incidental to the enjoyment by the public of the Conservation Area;

(j) The right to carry out plant preservation and other conservation projects including, but not limited to, protective works as may be necessary or desirable to protect such plant preservation or other conservation projects from damage or destruction; and,

(k) Consistent with the Purpose of this Conservation Easement, the right to construct, install, maintain, restore, use, and enjoy public service facilities or utilities installed for the benefit of the Conservation Area and/or surrounding residential development. Such right may also be exercised by the Public Utilities Commission of the State of California, the Southern California Edison Company, or any utility company.

8. **Reservation of Rights Regarding Water.** (a) It is the express intent of the parties that Grantor shall continue to possess all riparian, appropriative, prescriptive, groundwater and other water rights to the same extent Grantor would possess such rights if this Conservation Easement had never been granted, and that all such rights are to be preserved and are, for purposes hereof considered, appurtenant to the

Conservation Area for the benefit of Grantor and its successors, except that, such appurtenancy notwithstanding, Grantor may transfer and convey any such water or water rights to any parcel of Grantor's or Grantor's successor(s)-in-interest land. Without limiting the foregoing, it is the intent of Grantor and Grantee that, to the extent the grant of this Conservation Easement severs another parcel's physical contiguity to any stream or other source of water, all riparian and other water rights appurtenant to or associated with the severed parcel are to be preserved so that the owner of the severed parcel will continue to possess all such rights to the same extent such owner would possess such rights if this Conservation Easement had never been granted, and that all such rights are to be preserved and are to remain appurtenant to the severed parcel.

(b) This Conservation Easement does not confer to Grantee any water rights or rights to develop, extract, divert or utilize any water incident to the easement; and, to the extent consistent with the Purpose of this Conservation Easement, Grantor reserves the sole and exclusive right to develop, extract, divert and utilize such water, including the right to drill and operate wells and other directly related facilities. Furthermore, this Conservation Easement does not confer to Grantee the right to interfere with Grantor's exercise of water rights to the extent that such exercise of water rights is consistent with the Purpose of this Conservation Easement and Grantor's exercise of those water rights is in compliance with Section 8(c)(2) below.

(c) Grantor further excepts from this Conservation Easement and reserves to itself, and to its personal representatives, heirs, successors, trustees and assigns, all rights accruing from or relating in any way to its ownership of the Conservation Area, including, but not limited to:

(1) All water rights of any nature whatsoever which are incident or otherwise related to the Conservation Area, including, but not limited to, all appropriative water rights, all riparian water rights, all rights to use all surface and subsurface water and percolating groundwater existing on or underneath the Conservation Area and the right to recharge and/or store water underneath the Conservation Area by such means as Grantor deems reasonable;

(2) The right to place, install, maintain, replace and repair pipelines, electrical lines, existing wells, existing tanks and related facilities, and access to the same as needed to develop and utilize its water rights; and

(3) The right to use water taken from the Conservation Area anywhere Grantor chooses to do so, in any reasonable way, and for any beneficial use.

(d) Notwithstanding any other provision herein, this Conservation Easement shall not limit or affect the exercise of water rights on or from any other property held by Grantor.

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(e) No failure to exercise or delay in the exercise of any of Grantor's water rights shall impair or limit such right or be construed as a waiver or limitation of such right.

9. **Remedies.** (a) If Grantor or Grantee determines that the other party or its employees, agents, contractors or invitees is in violation of the terms of this Conservation Easement or that a violation is threatened, the non-violating party shall give written notice to the violating party of such violation and demand in writing the cure of such violation. If the violating party fails to cure the violation within thirty (30) days after receipt of said written notice and demand, or said cure reasonably requires more than thirty (30) days to complete and the violating party fails to begin the cure within the thirty (30) day period or fails to continue diligently to complete the cure, the non-violating party may bring an action at law or in equity in a court of competent jurisdiction to enforce compliance by the violating party with the terms of this Conservation Easement, to recover any damages to which the non-violating party may be entitled for violation by the violating party of the terms of this Conservation Easement or for any injury to the Conservation Values of the Conservation Area, or for other equitable relief, including but not limited to, the restoration of the Conservation Area to the condition in which it existed prior to any such violation or injury. Without limiting the violating party's liability therefore, the non-violating party may apply any damages recovered to the cost of undertaking any corrective action on the Conservation Area.

(b) If a party, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Conservation Area, such party may pursue its remedies under this Section without prior notice to the violating party or without waiting for the period provided for cure to expire. The rights of the party under this section apply equally to actual or threatened violations of the terms of this Conservation Easement. The parties agree their remedies at law for any violation of the terms of this Conservation Easement are inadequate and that each party shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which such party may be entitled, including specific performance of the terms of this Conservation Easement. The remedies of the parties described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including but not limited to, the remedies set forth in California Civil Code Section 815, *et seq.*, inclusive. The failure of a party to discover a violation or to take immediate legal action shall not bar such party from taking such action at a later time.

(c) If at any time in the future Grantor or Grantee, or any subsequent transferee, uses or threatens to use such lands for purposes inconsistent with this Conservation Easement, then, notwithstanding California Civil Code Section 815.7, the California Attorney General, the Department of Justice, other appropriate enforcement agencies of the United States or the State of California, shall have standing as interested parties in any proceeding affecting this Conservation Easement.

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(d) Enforcement of the terms of this Conservation Easement by a party shall be at the discretion of the party, and any forbearance by such party to exercise its rights under this Conservation Easement, in the event of any breach of any term of the Conservation Easement by a party or any subsequent transferee, shall not be deemed or construed to be a waiver by the non-violating party of such terms or of any subsequent breach of the same or any other term of this Conservation Easement or of any of the non-violating party's rights under this Conservation Easement. No delay or omission by the non-violating party in the exercise of any right or remedy upon any breach by the violating party shall impair such right or remedy or be construed as a waiver. Further, nothing in this Conservation Easement creates a non-discretionary duty upon the non-violating party to enforce its provisions, nor shall deviation from these terms and procedures, or failure to enforce its provisions give rise to a private right of action against the non-violating party by any third parties. Except as provided in subsection 9(c) above, this Conservation Easement is not intended to, and shall not, create or expand any private right of action which does not already exist under state or federal law against Grantee or Grantor or by any individual or entity other than the Grantee or Grantor.

(e) Nothing contained in this Conservation Easement shall be construed to entitle any party to bring any action against another party for any injury to or change in the Conservation Area resulting from: (1) any natural cause beyond a party's control, including without limitation, fire not caused by the party, flood, storm, and earth movement, or from any prudent action taken by a party under emergency conditions to prevent, abate, or mitigate significant injury to the Conservation Area resulting from such causes; or (2) acts of third parties (including any governmental agencies) beyond the control of a party.

10. **Installation and Maintenance of Signage.** Grantee shall post appropriate signage identifying the Conservation Easement. Such signage shall be maintained in perpetuity by Grantee.

11. **No Public Access.** This Conservation Easement does not convey any right of access to the public; provided that upon transfer of the Conservation Area to the JPA, public access shall be allowed in accordance with the public access dedication pursuant to Condition 65.

12. **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Conservation Area by competent authority (collectively, "taxes"), including any taxes imposed upon, or incurred as a result of, this Conservation Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.

13. **Indemnity.** Each Party ("the first Party") does hereby agree to the maximum extent permitted by law, at its sole cost and expense, to protect, defend (by counsel approved by the first Party), indemnify, and hold harmless the other Party ("the second Party") and any of the second Party's owners, parent corporations, subsidiaries, and

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affiliates, and their respective officers, managers, directors, representatives, employees, contractors, agents, transferees, successors and assigns, from any and all liabilities, damages (actual but not consequential), losses, costs, expenses, claims, actions or proceedings, including, without limitation, reasonable attorney's fees and expert fees, that are caused by or arise or are connected with: (i) the negligence, errors, omissions, recklessness or intentional misconduct of the first Party or the employees or agents of the first Party in the performance of this Conservation Easement including, but not limited to, any and all activities conducted by the first Party while in the Conservation Area; or (ii) a default in the first Party's performance or failure to perform its obligations under this Conservation Easement. Each Party shall comply, at its sole cost and expense, with all laws and regulations applicable to the Party's obligation under this Conservation Easement.

14. **Condemnation.** This Conservation Easement is "property appropriated to public use," the condemnation of which is prohibited except as provided in Code of Civil Procedure section 1240.055.

15. **Assignment.** (a) This Conservation Easement is transferable by Grantee, but Grantee may assign its rights and delegate its obligations under this Conservation Easement only in a form approved in writing by Grantor, or Grantor's successor(s)-in-interest, in favor of an entity or organization authorized to acquire and hold conservation easements pursuant to California Civil Code Section 815.3 and one that agrees to undertake Grantee's obligations under this Conservation Easement. Such approval shall not be unreasonably withheld. The Grantee shall require its assignee to record the assignment in the official records of the County of Los Angeles, State of California.

(b) Grantor agrees to incorporate the terms of this Conservation Easement in any deed or other legal instrument by which Grantor divests itself of any interest in all or any portion of the Conservation Area, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the intent to transfer any interest at least thirty (30) days prior to the date of such transfer. The failure of Grantor to perform any act provided in this section shall not impair the validity of this Conservation Easement or limit its enforceability in any way.

16. **Notices.** Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to any other party or parties shall be in writing and be served personally or sent by recognized overnight courier that guarantees next-business-day delivery or by first class mail, postage prepaid, or by facsimile transmission, addressed as follows:

To Grantor: The Newhall Land and Farming Company
Attn: General Counsel
25124 Springfield Court, Suite 300
Valencia, CA 91355
Fax: (661) 255-0761

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To Grantee: Center for Natural Lands Management
Attn: Executive Director
27285 Via Industria, Suite B
Temecula, CA 92590
Fax: (760) 731-7791

or to such other address as a party shall designate by written notice to the other party. Notice shall be deemed effective upon delivery in the case of personal delivery or delivery by overnight courier or, in the case of delivery by first class mail, five (5) days after deposit into the United States mail, or in the case of facsimile delivery, upon generation of a delivery confirmation by the sending machine. Any party may designate a different address by providing written notice of such different address to the other party.

If the authorized representative of the receiving party shall fail to respond in writing to any notice within thirty (30) days after receipt thereof, it shall be conclusively deemed for purposes of this Easement that the initiating party has consulted in good faith with the other party as to the matters described in said notice. Notwithstanding any other provisions of this Easement, neither party shall be required to consult with the other as to any emergency repair work or other emergency action as to which, by reason of imminent danger to life or property, consultation with the other party is not reasonably practicable, but the party performing such work shall notify the other party promptly after the performance of any such work or action describing the same in reasonable detail. The initiating Party shall, using good faith efforts, restore the Conservation Area to its condition as it existed prior to the event requiring emergency action.

17. **Amendment.** Grantor and Grantee may amend this Conservation Easement only by mutual written agreement. Any such amendment shall be consistent with the Purpose of this Conservation Easement and shall not affect its perpetual duration. Any such amendment shall be recorded in the official records of Los Angeles County, State of California.

18. **Additional Easements.** Grantor shall not grant any additional easements, rights of way, or other interests in the Conservation Area inconsistent with this Conservation Easement. Grantee acknowledges that Grantor intends to offer a "conservation and public access easement" over the Conservation Area to the County of Los Angeles, and that such offer, if accepted, would be consistent with this Conservation Easement. Grantee further acknowledges that Grantor grants this Conservation Easement to Grantee, and Grantee accepts this Conservation Easement, subject and subordinate to any and all existing easements and any other matters of record as of the date hereof.

19. **Recordation.** Grantor and Grantee, through escrow, shall cause promptly the recording of this instrument in the official records of Los Angeles County, California, and Grantor and Grantee, through escrow, shall be provided with conformed copies of all recorded documents. All recordation costs shall be borne by Grantor. Grantor and/or

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Grantee may re-record this instrument at any time as may be required to preserve its right in the grant.

20. **Estoppel Certificate.** Upon request by Grantor, Grantee shall within thirty (30) calendar days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Conservation Easement Deed or otherwise evidences the status of this Conservation Easement as may be requested by Grantor.

21. **Controlling Law.** The laws of the United States and the State of California shall govern the interpretation and performance of this Conservation Easement.

22. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed in favor of the deed to effect the Purpose of this Conservation Easement and the policy and purpose of California Civil Code Section 815, *et seq.* If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purpose of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

23. **Severability.** If a court of competent jurisdiction voids or invalidates on its face any provision of this Conservation Easement Deed, such action shall not affect the remainder of this Conservation Easement Deed. If a court of competent jurisdiction voids or invalidates the application of any provision of this Conservation Easement Deed to a person or circumstance, such action shall not affect the application of the provision to other persons or circumstances.

24. **Entire Agreement.** This instrument, together with the attached exhibits, the Westridge Conservation Area Management and Funding Agreement executed contemporaneously with this Conservation Easement Deed, and any documents referred to herein, sets forth the entire agreement of the parties with respect to this Conservation Easement Deed and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment in accordance with Section 17.

25. **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

26. **Successors.** Subject to the provisions of Section 27 below, the covenants, terms, conditions, and restrictions of this Conservation Easement Deed shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall constitute a servitude running in perpetuity with the Conservation Area.

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27. **Termination of Rights and Obligations.** A party's rights and obligations under this Conservation Easement Deed terminate upon transfer of the party's interest in the Conservation Easement or Conservation Area, except for those rights otherwise expressly reserved to Grantor and except that liability for acts or omissions occurring prior to transfer shall survive transfer. In accordance thereof, Grantor or its successor Grantors will remain responsible for the obligations contained herein until Conservation Area has been conveyed to a successor Grantor, after which time the original Grantor (The Newhall Land and Farming Company) shall be released from all obligations hereunder.

28. **Reversion.** Pursuant to Government Code section 65967, subdivision (e), and consistent with procedural due process requirements, if the state or County reasonably determines that the Conservation Area is not being held, monitored, or stewarded for conservation purposes in the manner specified in this Conservation Easement Deed, the property interest conveyed herein shall revert to the state or County, or to another public agency, special district, or nonprofit organization pursuant to subdivisions (c) and (d) and subject to approval by the state or County.

29. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

29. **Hazardous Materials.** Despite any contrary provision of this Conservation Easement Deed, the parties do not intend this Conservation Easement to be, and this Conservation Easement Deed shall not be, construed such that it creates in or gives to Grantee any of the following:

(1) The right or obligation to investigate and remediate any Hazardous Materials associated with the Conservation Area or liability for investigation and/or remediation of Hazardous Materials not deposited by Grantee; or

(2) Any control over Grantor's ability to investigate, remove, remediate, or otherwise clean up any Hazardous Materials associated with the Conservation Area.

The term "Hazardous Materials" includes, without limitation: (i) material that is flammable, explosive or radioactive; (ii) petroleum products, including by-products and fractions thereof; and (iii) hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Resource Conservation and Recovery Act (42 U.S.C. Section 6901, *et seq.*); the Hazardous Materials Transportation Act (49 U.S.C. Section 5101, *et seq.*); the Hazardous Waste Control Law (California Health & Safety Code Section 25100, *et seq.*); the Hazardous Substance Account Act (California Health & Safety Code Section 25300, *et seq.*), and in the regulations adopted and publications promulgated pursuant to them, or any other

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applicable federal, state or local laws, ordinances, rules, regulations or orders now in effect or enacted after the date of this Conservation Easement Deed.

Grantor represents, warrants and covenants to Grantee that Grantor's activities upon and use of the Conservation Area will comply with all Environmental Laws. Grantee likewise represents, warrants and covenants to Grantor that Grantee's activities upon and use of the Conservation Area will comply with all Environmental Laws. The term "Environmental Laws" includes, without limitation, any federal, state, local or administrative agency statute, ordinance, rule, regulation, order or requirement relating to pollution, the protection of human health or safety, the environment or to Hazardous Materials, generally.

30. **No Third-Party Beneficiaries.** Nothing contained herein is intended to provide or otherwise convey third-party beneficiary rights to any person, organization, agency or entity.

31. **Counterparts.** The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by all parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

SIGNATURES ON THE FOLLOWING PAGES

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IN WITNESS WHEREOF Grantor has executed this Conservation Easement Deed the day and year first above written.

GRANTOR:

The Newhall Land and Farming Company (A California Limited Partnership), a California limited partnership

By: NWHL GP LLC, a Delaware limited liability company, its General Partner

By: LandSource Holding Company, LLC, a Delaware limited liability company, its Sole Member

By: Newhall Land Development, LLC, a Delaware limited liability company, its Sole Member

By: Newhall Holding Company, LLC, a Delaware limited liability company, its Manager

By: _____

Name: JAMES C. BIZZELLE III
Senior Vice President

Title: _____

STATE OF CALIFORNIA

County of Los Angeles

On October 14, 2013, before me, JOHANNA PALMER, a

Notary Public, personally appeared JAMES C. BIZZELLE III.,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

JOHANNA PALMER
Commission # 2004661
Notary Public - California
Los Angeles County
My Comm Expires Feb 18 2017

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

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CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by this Conservation Easement Deed dated October 15, 2013, by THE NEWHALL LAND AND FARMING COMPANY, is hereby accepted by the undersigned officer on behalf of CENTER FOR NATURAL LANDS MANAGEMENT.

GRANTEE:

Center for Natural Lands Management, a California nonprofit corporation

By: _____

Name: David R. Brunner

Title: President

Date: 15 oct 2013

STATE OF CALIFORNIA

County of Sonoma

On October 15, 2013, before me, Justin Lacy, a

Notary Public, personally appeared DAVID R. BRUNNER, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JUSTIN LACY
Commission # 1934970
Notary Public - California
Sonoma County
My Comm Expires May 5, 2015

Signature ~~of Notary~~ Public

(Seal)

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EXHIBIT A

Westridge Conservation Area Legal Description

Real property in the unincorporated area of the County of Los Angeles, State of California described as follows:

LOTS 181, 182, OF TRACT NO. 45433-02, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON THE MAP RECORDED IN BOOK1267 PAGES 24 THROUGH 50 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 2826-135-012 AND 2826-135-013 AND 2826-135-014

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EXHIBIT B

Condition 65

65. Prior to the dedication of the 151.9-acre oak tree habitat area (Lots 872 and 874 of Vesting Tentative Tract Map No. 45433) to the Joint Powers Authority ("JPA"), a conservation and public access easement shall be offered to the County of Los Angeles and a conservation and management easement shall be offered to the Center for Natural Lands Management. The conservation easement shall be consistent in its provisions with any other conservation easements to State or Federal resource agencies which may have been granted as part of mitigation or mitigation banking activities.

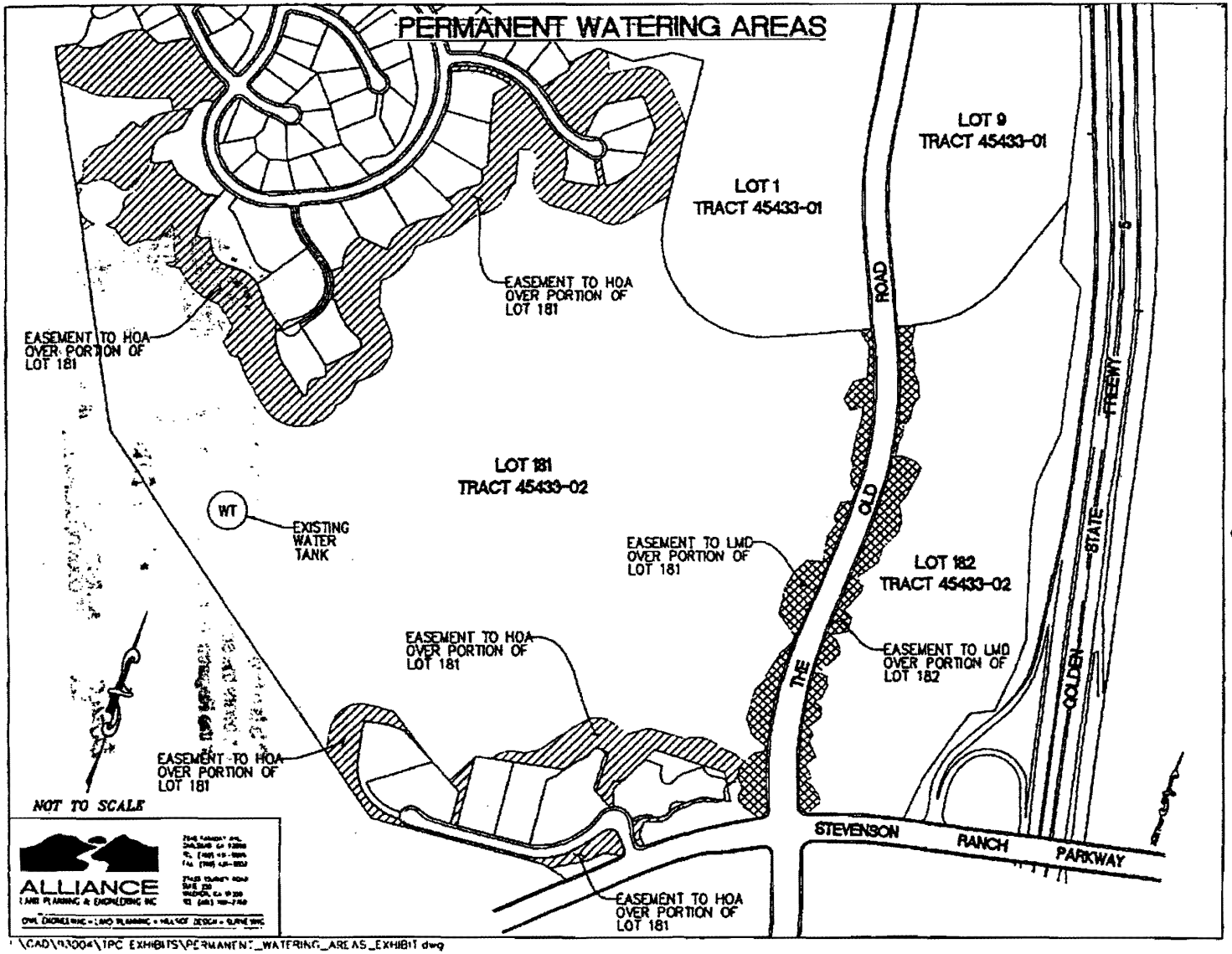


EXHIBIT C
Permissible watering areas

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RECEIVED
NOV 03 2015
By_____

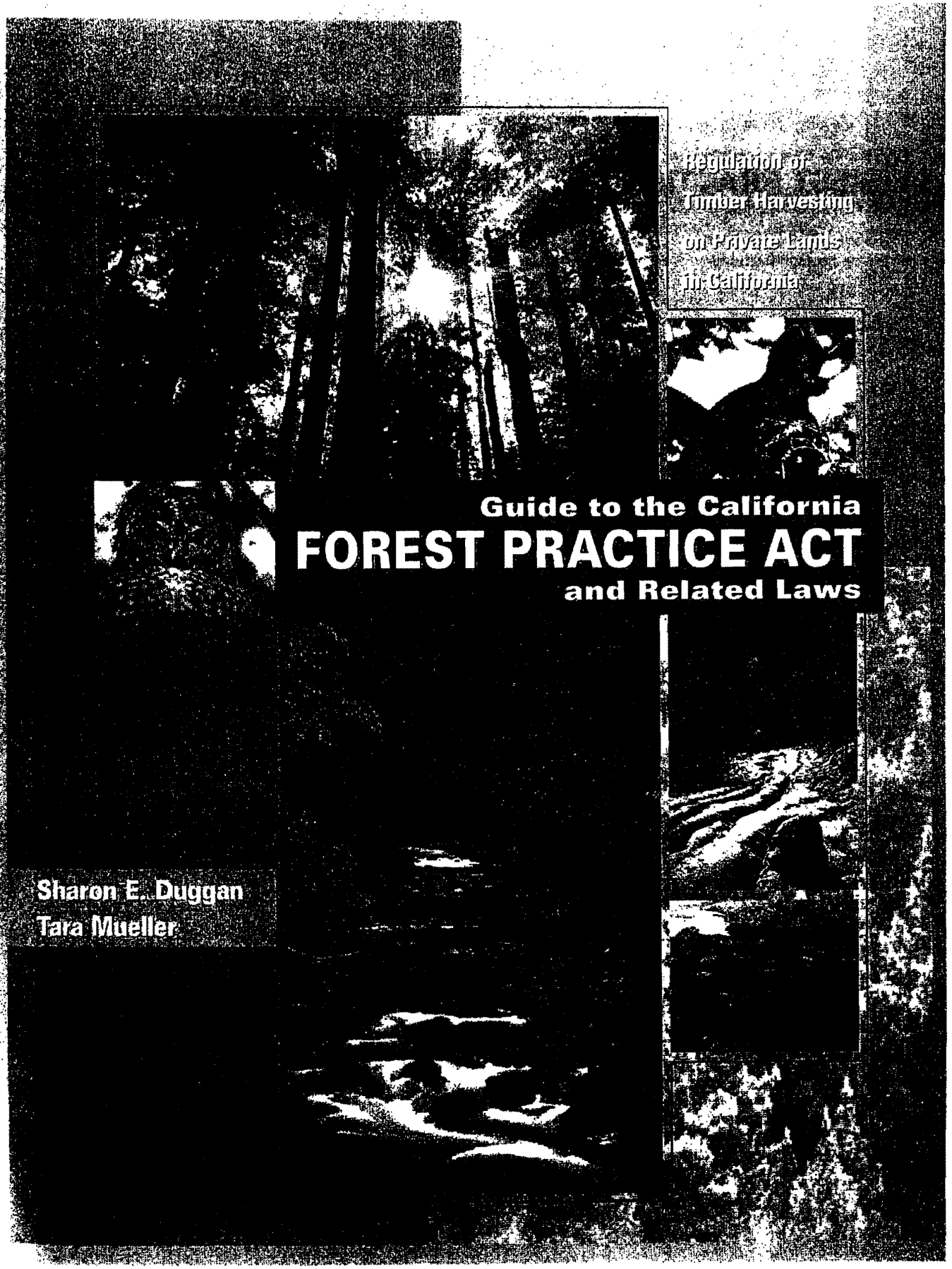
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REGISTRAR-RECORDER/COUNTY CLERK
COUNTY OF LOS ANGELES - CALIFORNIA

Exhibit 3


Regulation of
Timber Harvesting
on Private Lands
in California
Guide to the California
FOREST PRACTICE ACT
and Related Laws
Sharon E. Duggan
Tara Mueller

Guide to the California
FOREST PRACTICE ACT
and Related Laws

Regulation of Timber Harvesting on Private Lands in California

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Fully protected species that potentially may be affected by timber operations on private lands include, but are not limited to: the American peregrine falcon, bald eagle, golden eagle, egret, osprey, white tailed kite, California condor, ring tailed cat, wolverine, Santa Cruz long-toed salamander, limestone salamander, Lost River sucker, and Modoc sucker. These species are present in various regions throughout the state.

These statutes provide that fully protected species:

> [M]ay not be taken[56] or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected [species] and no such permits or licenses heretofore issued shall have any force or effect for this purpose. However, the department may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species, and may authorize the live capture and relocation of those species pursuant to a permit for the protection of livestock.
>
> Fish & Game Code §§ 3511(a)(1), 4700(a)(1), 5050(a)(1), 5515(a)(1), as amended by SB 412, Chap. 735, Stats. of 2003; *see also* § 3505 ("[i]t is unlawful to take... any... egret [or] osprey... or any part of such bird").

The precise scope and meaning of this virtually absolute take prohibition is unclear. Aside from the general debate about whether take under the Fish and Game Code includes habitat destruction or modification (*see* Definition of Take (chapter 13, page 550)), there is an additional debate about whether the fully protected species statutes were intended to prohibit incidental take in connection with timber harvesting and other human activities.

Under a plain-language reading of the fully protected species statutes, take is strictly prohibited under any circumstances other than for scientific research.

Under a plain-language reading of the statutes, take of any such fully protected species is strictly prohibited under any circumstances other than for scientific research purposes. This conclusion is supported by the Legislature's clarification (in SB 412, Chapter 735, Statutes of 2003) that "'scientific research' does not include any actions taken as part of specified mitigation for a project," as defined in CEQA

56. The Fish and Game Code defines take as to "hunt, pursue, catch, capture, or kill," or to attempt any such conduct. Fish & Game Code § 86. *See* CESA Take Prohibition (chapter 13, page 550) for a complete discussion of the meaning of take under the Fish and Game Code. However, because the federal ESA's definition of take is broader than the Fish and Game Code, in order to avoid an inconsistency with federal law, the federal definition of take should apply to any fully protected species that is also listed under the federal ESA. 50 C.F.R. §§ 17.3 (FWS regulations), 222.101 (NMFS regulations). Under section 9 of the ESA, DFG may not authorize take of a federally listed species, as defined by that statute. 16 U.S.C. § 1538(a)(1)(B). Only the FWS and/or NMFS may authorize take of federally listed species, pursuant to section 10 of the ESA. 16 U.S.C. § 1539(a)(2)(B). *See* Section 9 Prohibitions (chapter 13, page 506) and Section 10 Incidental Take Permit (chapter 13, page 520) for further discussion.

(Public Resources Code § 21065). *See* Fish & Game Code §§ 3511(a)(2), 4700(a)(2), 5050(a)(2), 5515(a)(2). This is true regardless of whether the take is direct and intentional, or indirect and unintentional and incidental to another otherwise lawful activity. Based on such plain language reading of the fully protected species statutes, DFG may not authorize incidental take through an incidental take permit issued pursuant to CESA or the NCCP Act (*see* Incidental Take Exception: Fish & Game Code § 2081(b) (chapter 13, page 554) and Natural Community Conservation Planning Act (chapter 13, page 567)) or any other provision of the Fish and Game Code. This is true regardless of whether a fully protected species is also listed pursuant to CESA and/or ESA. Fish & Game Code §§ 3505, 3511, 4700, 5050, 5515; 14 C.C.R. § 670.7. Under this interpretation, timber operations must strictly avoid any area occupied by a fully protected species to prevent take of such species. The extent of the habitat set aside necessary to avoid take will depend upon the species' biology and behavior (breeding, feeding, sheltering and other activities essential for its survival and recovery), and whether take is interpreted to include indirect (*i.e.*, unintentional) death or injury to species by way of habitat destruction and modification.

Timber operations must strictly avoid any area occupied by a fully protected species to prevent take of such species.

DFG has concluded that fully protected species may not be included in an incidental take permit.

The above interpretation is consistent with DFG's construction of the fully protected species statutes. DFG has concluded that fully protected species may not be included in an incidental take permit issued pursuant to CESA or the NCCP Act, and that "[a]ctivities carried out in areas where fully protected species are found must be [conducted] in a fashion that avoids all take, whether incidental or for some other purpose." M. Valentine, DFG General Counsel, *The Endangered Species Act: Interrelationships With Other Environmental Laws*, paper presented at U.C. Davis Extension Conference, Sept. 5, 2001 (hereafter "DFG General Counsel Paper"). Moreover, "[g]iven the clear language in each of the four fully protected [species] statutes," any permits previously issued by DFG that include or expressly authorize take of fully protected species "must be considered void." *Id.*

Under another interpretation of the fully protected species statutes, however, incidental or indirect, unintentional take in connection with timber harvesting and other human activities is not prohibited by the fully protected species statutes at all. This view is based on the assumption that, when the Legislature first enacted these statutes in 1957, it intended to prohibit only direct (*i.e.*, intentional) means of take, such as hunting, fishing, and collecting. Under this reading, indirect or unintentional take by way of habitat modification or destruction (through, for example, destruction of foraging habitat around nest trees, or

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

PROOF OF SERVICE

I, JENNIFER TALLENT, declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is The Silverstein Law Firm, 215 North Marengo Ave, Third Floor, Pasadena, California 91101-1504. On December 7, 2015, I served the within document(s):

PETITIONER'S OPENING MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF; DECLARATION OF SUSAN L. DURBIN

☒ By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Pasadena, California addressed as set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ By transmitting the document(s) listed above via e-mail to the person(s) named below at the respective e-mail addresses and receiving confirmed transmission reports indicating that the document(s) were successfully transmitted.

CASE NAME:	**AFFORDABLE CLEAN WATER ALLIANCE v. SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY**
CASE No.:	**BS145869**

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Attorneys for Respondent SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 7, 2015, at Pasadena, California.

JENNIFER TALLENT

THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

Response to Comment P2-1

The commenter refers to several attachments and requests that these be made part of the record. The commenter claims that the project description is invalid, that the Certified EIR's conclusion that the Project will have no significant impact on stickleback is improper and illegal, and that the mitigation plan for the arroyo toad is inadequate and impermissibly deferred.

The requested additions to the project record are noted. These documents relate to issues raised in existing litigation regarding the Certified EIR filed against the SCVSD by the commenter's client, the Affordable Clean Water Alliance. To the extent that these issues relate specifically to the Certified EIR, the limitation period for raising them has expired except as provided in the existing litigation.

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water." This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document. The project description in Section 2 has been revised to reflect this information.

The project description is provided in Section 2 of the Draft Supplemental EIR. It is unclear what the commenter means by "the project description is invalid." No further response is possible.

Response to Comment P2-2

The comment states that the litigation referenced in Comment P2-1 constitutes a "controversy" that must be disclosed. The commenter further states that the SCVSD must disclose the impact of this litigation on the current CEQA effort.

The adequacy of the Certified EIR was challenged in court by the Affordable Clean Water Alliance. Section 1.10 has been revised as follows:

> In accordance with §15063 and §15082 of CEQA Guidelines, the SCVSD, as the Lead Agency, prepared an NOP for the proposed project (see Appendix A). No areas of controversy were identified during the NOP scoping period for the Draft SEIR with respect to the SEIR. However, the adequacy of the EIR certified in 2013 (Certified EIR or 2013 EIR) was challenged in court by the Affordable Clean Water Alliance (ACWA). This challenge was heard in Superior Court on Tuesday, February 23, 2016. The SCVSD prevailed on most of the disputed issues. ACWA's petition was only granted in two narrow areas.
>
> First, the Court directed the SCVSD to conduct further environmental study on potential impacts to an endangered fish (unarmored threespine stickleback) that could result if the SCVSD were to significantly reduce its discharge of treated wastewater to the river in support of water reuse. This water reuse component of the Certified EIR is independent of the project components needed to comply with the Chloride TMDL. To avoid delays in meeting the Chloride TMDL deadline, the water reuse component is no longer part of the currently recommended project. This component would be separately considered by

the SCVSD Board after further environmental and public review in a separate CEQA document.

Second, the Court set aside the approval of the compliance project and the associated 2013 EIR because of the need for more stickleback analysis and because the SCVSD is pursuing a different method of brine management. The Court found no fault with any of the chloride compliance components of the project.

On March 23, the SCVSD Board will be asked to recertify the 2013 EIR without the water reuse component, certify the SEIR, and approve a modified chloride compliance project. If the Board takes these actions, the Court's ruling is not expected to affect the SCVSD's schedule for complying with the Chloride TMDL.

Response to Comment P2-3

The commenter requested that all notices and communications regarding the Project be provided to the commenter.

The SCVSD has added the commenter to both its mailing list and email list.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Commenter P3, Allan Cameron

CCG

Comprehensive Consulting Group
19425 Soledad Canyon Road, Suite B412
Santa Clarita, California 91351

RE: SEIR COMMENTS, BRINE TRUCKING

ATTENTION: Brian Langpap

Dear Mr. Langpap

Thank you for your courteous co-operation regarding the submission of these SEIR comments for the record. These comments are in the form of lengthy emails. There are three of them, each sent as separate emails. This is email 1, of 3. The others are labeled as "2 of 3", and "3 of 3". Thank you again for your help. Please find the first email starting just below this brief note.

Best Personal Regards,

Allan Cameron

COMMENT: Overview deficiencies

A common tactic that is occasionally used (and abused), is to fail to address the specifics of written or oral testimony with a dismissive comment to the effect that certain testimony is a "comment noted". Please do not resort to this discredited approach to testimony regarding the legal adequacy of a "Public Information" document.

A CEQA Review that has been determined by the lead agency as needing the highest level of analysis (an Environmental Impact Report is defined in CEQA law as being a Public Information Disclosure report and opportunity.) must include complete information as to why the lead agency is spending Taxpayer dollars on this most rigorous analysis. Therefore, please do not submit the scanty listing of District activities here. Please include the following in any proposed SEIR overview. P3-1

1. An admission that the November 2013 EIR Certification is the subject of a California Superior Court lawsuit that challenges the adequacy of the EIR, and its certification. P3-2

2. An admission that the Sanitation District filed a challenge with the California Commission on Mandates that asserted that this entire "Chloride Compliance" issue was an unfunded mandate from the State. A copy of that challenge must appear as an appendix to this proposed EIR.

3. Please include in the Appendix a copy of the Sanitation Districts California Superior Court lawsuit challenging the imposition of this "Chloride Compliance" . as an unfunded mandate.

4. Please include in the proposed Final SEIR appendix a copy of the verdict issued by the court that was adverse to the District on the issue of the "Chloride Compliance" being an unfunded mandate.

5. Please also include in the proposed Final SEIR Appendix, the staff report on the adverse verdict in the "Unfunded Mandate" litigation, and a copy of any memoranda showing why the District did not appeal this loss to the State Court of Appeals.

P3-3

6. The Sanitation District, in all of its documents and reports, has never disclosed why the "Foundation of Fact" for this Mega Hundred Million Dollar project was not rigorous site testing of the "Reaches" of the Santa Clara River". Instead, the District relied upon Magazine Articles instead of testing as the basis for its capitulation that this requirement of "Chloride Compliance" was even needed. If this Magazine Article foundation is to be continued, these magazine articles must be included in this proposed SEIR, and listed in the "Overview" as the basis for this entire project.

P3-4

7. This summary/overview actually says that there are "no new effects" on the Environment. Rather, this document should state and reveal that the new effects of the revised project were not disclosed previously, hence this "tiered" Supplemental EIR. Why issue an EIR for "no effects", when a cheaper "Negative Declaration", or Mitigated Neg. Dec. could have been ussued?

P3-5

8. This 'Overview/Summary" includes no precise cost disclosures. This is a major fatal flaw. The United States Supreme Court, during the Public Review period for this EIR, has issued a strong opinion that financial effects must be precisely revealed and thoroughly explained. This "Overview" fails this test, as does the body of the document.

P3-6

9. The "no new effects" of this Proposed EIR is incorrect. The precise site for the disposal of the "brine reduction product" is not identified. How can a "no effects" conclusion be issued, when a precise, approved destination for the waist product is not disclosed, and not studied ? This "Overview" must reference a full cost disclosure that is contained in the EIR, and/or, in its Appendices, along with a complete study of the site where the Brine will be dumped.

P3-7

10. The proposed "Overview", in its scanty approach to adequate cost disclosures, reveals a significant issue that must be clarified if the "SEIR" is to be thought of as legally adequate. The "Overview" states that the new "Brine Reduction" system will be more costly than the former brine "Deep Well Injection" would have been. The Overview than makes an astonishing disclosure that, on its face, renders the Draft EIR legally flawed. The EIR draft states that, even though the new Brine Reduction System will be more costly than the old DWI, somehow the huge rate increase approved by the District has sufficient funds to pay for the newer system. Clearly, this strange statement must be fully explained in the full document. Otherwise, the Ratepayers may be entitled to a reduction in what they are being assessed.

P3-8

11. The deficient "Overview" concludes with the amazing statement, (fully not defined, with no reference to an EIR Section that would explain the issue), that the costs of the system will require rate increases in the future (in only four years), but there are no disclosures about this in the document. This omission clearly fails the recent US Supreme Court decision that costs must be part of EIR studies.

12. This "overview" also trots out the "fine issue". No mention is made of the fact that the $225,000 fine paid by the Sanitation District was negotiated between Sanitation District Staff, with the Staff of the Regional Water Quality Control Board. No public hearing on the merits of the fine was ever held. The "fine issue" was on the "consent calendar", when it appeared before the Water Board. None of the many other steps to avoid that fine, and to contest it were ever used to protect the ratepayers of the Sanitation District. In the EIR, some explanation as to why the many layers of "Fine appeal" available to the Sanitation District were never used.

P3-9

PLEASE REMEDY THESE SIGNIFICANT FLAWS IN THE OVERVIEW, IN ANY SEIR

BACKGROUND SECTION FLAWS.

The "Background" section of the document fails in its responsibility to provide full facts to the public.

Again, no mention of the Lawsuit in State Superior Court against the "Foundation EIR", upon which this Supplemental EIR is based, is included in this "Background". This is only one example as to how this documents fails its primary requirement to inform decision makers and the public about all the facts it needs to know.

PROJECT DESCRIPTION ERRORS.

It is unclear from the "Background Description" who controls the use of the land where the "Brine Concentration" equipment is to be located. The vagary needs to be eliminated.

P3-10

It is also necessary for this EIR be made consistent with the many "Will Provide Service Letters" it has provided to pending real estate developments. When the many developments in the "Recorded", and "Approved" categories actually seek service, accurate numbers as to what they will actually have to pay must be provided in this EIR. Failure to continue to do so constitutes a flagrant CEQA violation regarding EIR consistency with other reference documents, such as the approved "One Valley, One Vision" General Plans for both the County and City. This document "defers" some undefined, but significant costs, to some time in the "fuzzy future" that is also not disclosed as to when it will be. These examples of lack of precision constitute CEQA violations that must be corrected in any proposed Final SEIR.

P3-11

POTENTIAL FACILITIES TO GENERATE RENEWABLE ENERGY

This section contains several violations of CEQA requirements. This section is disingenuously labeled as addressing alternative energy generation facilities. What the headline of the section should really be is "How to solve the power shortage created by the Brine Project & Chloride Removal Project." This "summary" contains zero precise information about any aspect of either power consumption, or what the cost and environmental impacts of adding power generation to this project may be. These "power generation Issues" are fully outside of the project that was noticed to the State Attorney General, other public agencies, and to the public in the Notice of Preparation for this EIR.

This EIR evades the critical issues regarding the costs and pollution effects of sewer gas combustion, as well as the amount of solar energy needed to fulfil the needs of the project. Anyone reading this initial section of this EIR will have no idea, even in summary, what these critical effects will be. This is also a glaring example of deferred environmental analysis and deferred cost analysis.

P3-12

ANALYSIS OF ALTERNATIVES DEFICIENCIES

A "no project" alternative analysis is a requirement of all CEQA EIR's. It is stunning that this document contains no such analysis. For this SEIR to avoid this basic requirement must be corrected if this EIR is to pass a legal challenge. This "Alternatives" section would be a necessary place for the issue of increased electric consumption, caused by the project, to be acknowledged. It should be addressed head on, with alternatives that were disposed of in the EIR on which this document is "tiered" (and which is under legal challenge), based on the steady assertion that there was a "strict deadline" of May 2015 for a plant to be operational. Of course, the May 2015 deadline was not "strict" at all, as the five year easily obtained extension to 2019 from 2014 clearly affirms.

P3-13

P3-14

AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

This section of this "Tiered Supplemental EIR" actually contains the following direct quotation. "There were no known areas of controversy at the time this Draft SEIR was prepared."

Please correct this false statement. Please include this fact. There is a Superior Court Lawsuit, currently set for trial on Tuesday, February 23, 2016 which was timely filed in November of 2013. It contains multiple issues of significant concern with the EIR, of which this SEIR is proposed to be a part.

P3-15

SUMMARY OF POTENTIAL IMPACTS, DEFICIENCIES, PAGE ES8

This section of the SEIR contains a blatantly false statement, which must be corrected. It states ""Under the modified compliance project, no significant unavoidable impacts would occur".

Santa Clarita Valley, sadly, has the terrible "distinction" of being a Federally listed "non attainment zone" for air pollution. Santa Clarita Valley has dangerous levels of ozone and particulate matter in both PM 10 and PM 2.5 categories. This means that Santa Clarita can be accurately said to be able to tolerate ZERO increases in air pollution, unless all feasible mitigation measures have been exhausted. Even then, it would be necessary for a "Statement of Overriding Considerations of Public Benefit" to be adopted by the Sanitation District Board, if this SEIR were to be approved.

This necessary change must be made if this document has any hope of withstanding a legal challenge.

P3-16

Please insert a critical disclosure that the public and responsible public agencies have a right, and a need to know. That disclosure request has been repeated several times. This disclosure request has to do with revealing the California State Superior Court litigation, currently set for trial on Tuesday, February 23, 2016. If successful, this lawsuit will invalidate the "base EIR', upon which this SEIR depends. To act as if this lawsuit does not exist, and to pretend so in documents which are supposed to disclose facts to the public must not continue. It is clear that the losing party in the pending litigation will continue to exhaust their legal remedies, so the ability of the Sanitation District to depend on this 2013 EIR will be clouded for some time.

P3-17

COMMENTS ON DEFICIENCIES IN TABLE ES-1.
SUMMARY OF IMPACTS AND MITIGATION MEASURES.

Impact 3.1-1
Impact 3.1-2
Impact 3.1-3

P3-18

All three in these impacts are rated as "less than significant", based upon information which is not included in the SEIR.

The legally certified, and LEGALLY CHALLENGED EIR, and the Initial Study contained no accurate visual simulations, showing exactly what kind of visual image the proposed additional processing plant will present to the Santa Clarita Community, for this SEIR to be adequate as an information Document according to CEQA requirements. The critical information about how this industrial plant appears must be included in a recirculated document, prior to any further administrative action.

P3-18

Impact 3.3-2
Impact 3.3-3
Impact 3.3-4
These three critical "impacts" have all been dismissed as having no "impact", and therefor, having no needed mitigation measure. Lurking further in this SEIR, and inextricably bound to the legally challenged 2013 EIR, is the issue of "restoring" or "resetting" the water levels in the Santa Clara River to their 1995 levels, and to divert 3.5 million gallons per day of reclaimed water from the Santa Clara River. We shall discuss in detail further in this commentary exactly what this could mean for the three biological impacts listed above. To have them dismissed so tersely above, does not reflect the seriousness of the water diversion we shall discuss further.

P3-19

Impact 3.4-1 Cultural Resources

The Critical Issue regarding how much water is to be diverted from the Santa Clara, and the location to where that water is sent are significant issues. The destination for the reclaimed water is quite significant, and will be dealt with later in this commentary.

P3-20

END OF PART ONE COMMENTS.

PART TWO OF THREE PARTS,, SEIR COMMENTS, BRINE TRUCKING, SEIR, FROM CCG, FOR SCVSD

Impact 3.4-2
Impact 3-4-3
These two impacts, which have significance for all Citizens of the United States, are prematurely dismissed in this SEIR. The overarching issue, which we will comment upon later, has to do with the character of the entire Santa Clara River, based on the poorly known Sanitation District concept to divert 3.5 million gallons of water per day out of the Santa Clara River. The destination for that water is a critical issue.

P3-21

Impact 3.2.1
This SEIR section is the only one devoted to energy consumption, use, and need for additional power for the SEIR project. The effect of the project, according to this SEIR section, is that, (from the challenged EIR), no mitigation is required for any aspect of the projects energy profile. The SEIR says that, since there is no "impact", no mitigation is necessary.

This presents a dilemma for the Sanitation District. In the "Overview/Project Summary", near the beginning there is a paragraph of strange "conjecture" about the energy future of the project studied in this SEIR. In this paragraph, a brief "picture of the future" is included, which includes burning sewer methane to help off set the huge energy demand from the "SEIR" project. Solar and wind projects are scantily proposed. Again, the thought expressed near the beginning of the SEIR, was that, somehow, clean or not so clean (burning sewer gas) was somehow going to be part of this SEIR project. These energy "concepts" were interesting, as stated at the start of this SEIR.

P3-22

At the end of these "conjecture" projects, a simple sentence says that these energy schemes will (to conform with CEQA), will be "studied later". This section of the SEIR is the "later" section of the SEIR, where the detailed analysis of the full energy profile of this project is supposed to be listed. One of the key questions about an RO water treatment facility is its power consumption. All throughout this SEIR, vague hints about power consumption and generation can be found.

When the section that specifically is supposed to be the place where all the issues about energy are discussed, there are a total of eight words. These are "None required" for mitigation measures, "None required" for further mitigation measures, and "Less Than Significant Impact", after all the "no mitigation" has been employed.

This is a flagrant CEQA violation which is a certain red flag to any CEQA Judge. Please do three things. First, fully analyze the "futuristic" sections regarding energy so oddly placed at the start of the SEIR. Look at the green house gas production that comes from burning sewer methane. Look at the dioxins and the other dangerous pollutants. Second, if the Sanitation District refuses to do these studies, then delete the "futuristic conjecture" at the front of the SEIR. Thirdly, regardless of what you do about alternative energy studies, please do a rigorous study of the real, typical energy consumption of the plant you propose in this SEIR. Reveal the expected energy consumption. Reveal what it will cost, based upon present and future power rates. Indicate where in the USA, the power will come from. Reveal the complete profile of the pollutants the power might generate if combustion is to be the source of the power for the SEIR project. Conform to CEQA requirements.

P3-23

P3-24

Impacts 3.5-2
Impacts 3.5-3
Analysis of the Geologic and Soil characteristics will be found later in these commentaries.

P3-25

Impacts 3.7-3
Hydrology and Water Quality

When substantial comments were submitted to the Sanitation District about the need to restore the ancient water volumes historically found in the reaches of the Upper Santa Clara River, as part of the EIR Certified in late 2013, the response was fascinating.

The comments about discharging large amounts of RO water at the Canyon Country/Agua Dulce border, were "Great Concept", "We just cannot implement such a plan, and comply with the STRICT deadline from the Regional Water Quality Control Board, to have the "Chloride Compliance" plant operational by May of 2015."

Of course, just a short time after the rates were raised, and the EIR for Alternative 2 was chosen at the last minute, the Sanitation District, in early 2014, asked for, and easily received a FIVE YEAR extension on the STRICT DEADLINE for "Chloride Compliance". With all that extra time, no one at the Sanitation District said a single work about the fact that now, there was time to take a vary serious look at the concept of restoring the reaches of the upper Santa Clara River to some small semblance of what they once were. Now, with this SEIR, there is not only a chance, there is an obligation. Please do the right thing. Look at the Alternatives that brought the treated water upstream.

P3-26

The Sanitation District proposes to discharge the chloride taken from millions of gallons of Santa Clara River Water each day, into the Pacific Ocean. This Section of the EIR does not mention at all, or show in any test, or reveal in any study, or direct a reader to another EIR Section, to show what effect on the ocean this massive concentrated brine will have. At the ocean outfall from the proposed reception plant, the EIR seems to show no data or study about how this concentrated chloride will effect the ocean. This omission of this critical data must be corrected.

P3-27

Impact 3.8-1

This supplemental SEIR is part of a project that proposes to divert millions of gallons of water each day from the Santa Clara river. Two new General Plans for the County jurisdiction, as well as the City jurisdiction have been approved that propose to essentially double the Santa Clarita Valley population to approximately 500,000 people. At this same time, water levels in the Santa Clara are supposedly critical for "downstream users", as well as for endangered plant and animal species. There appear to be no studies that analyze the significant effect this water diversion will have.

P3-28

Impact 3.8-2

A California Supreme Court decision, released during the comment period on this supplemental EIR, voided the approvals for two large phases of the formerly approved Newhall Ranch real estate Development. This ruling finds that the habitat for certain endangered animals was not sufficient. Again, diverting millions of gallons of water daily certainly shows a significant effect on the environment that must be studied in this EIR.

P3-29

Impact 3.10-1

The cumulative impact analysis of projects all along the roads used by the proposed project route is not accurate. Please see section 3.3 EIR for the precise comments.

P3-30

Impact 3.10-2

Unless the approved Congestion Management plans for the areas used by this project are included in the Appendixes, it is not possible for public agencies, and the public to be able to independently determine if the claims of "no effect" are accurate.

P3-31

Impact 4-1

The proposed project is close to earthquake faults that have actually expressed themselves to the surface of the earth. These nearby faults are only partially explored. Unless complete fault studies for these nearby faults are included in a complete study of the effect of earth movement on the proposed plant, this SEIR will be insufficient.

P3-32

Section 1.3 CEQA APPROACH: SUPPLEMENTAL EIR

This section of the document states in clear language that the proposed project was NOT adequately studied in the previous EIR for "Chloride Compliance". Since this first EIR is under legal attack, and a trial is set for February 23, 2016, it is again clear that the initial document is not complete. Even more important, is that this section of theS EIR actually states that there are significant effects on the environment from multiple parts of the brine trucking new project. This is inconsistent with the numerous sections of the draft Supplemental EIR, which state that there are NO effects on the environment from the proposed project.

The admission in this section of the document show that far more detailed study of the effects of the project are needed. Along with these, mitigation measures commensurate with the impacts are clearly necessary, beyond those found in the Supplemental EIR.

P3-33

CEQA PROCESS OVERVIEW

1.4.1 Purpose of the SEIR

This document is intimately connected with the EIR that was certified in November of 2013. That document did not propose alternative power generation as part of its studied and adopted project. This SEIR is internally inconsistent. It states that its primary area of study is trucking of bring. However, the EIR also attempts to "piggy back" a whole different project involving electric power generation. This additional project inclusion renders the project internally inconsistent, and reveals that the study of the electric power facilities are inadequate on their face.

P3-34

3.1.2.6 EXISTING AIR QUALITY.

The document does not make a clear, easily understood statement about the facts of Santa Clarita air quality. The SCV is a "non attainment zone" for PM2.5, PM 10, and ozone.

A brine trucking/water processing plant, and two or more possible electric power generating plants each have distinctly different effects on the environment, along with different mitigation measures. This SEIR combines different projects, and does not address the effects of each in a manner that conforms to CEQA requirements.

P3-35

3.1.4.3.4 Exposure of Sensitive Receptors to Pollutant Concentrations

This section does not disclose that Santa Clarita Valley is a non-attainment zone, valley wide, for ozone, PM2.5, and PM10. How much of these two pollutants will be generated above the already unacceptable levels documented by SCAQMD, is not disclosed, or proposed to be mitigated. It is also not disclosed how much of the pollution is from the brine trucking operation, and how much is from the several proposed power plant facilities. This lack of precise environmental effect disclosure is a CEQA violation, and must be corrected.

AIR QUALITY IMPACT SUMMARY

Although an undefined, vague power generating plan, with numerous variations is proposed, one of which offers sewer gas combustion, the final Air Quality Summary mentions no specific sources of pollution from this project. Sewer gas combustion, truck operation (diesel), and brine treatment need to be specified as to how much pollution, and of what kind each generates. The original EIR from November 2013, did NOT contain any complete air quality analysis of brine extraction, trucking to Carson, and power generation. To avoid a glaring CEQA violation, please reformat this EIR, with the impacts clearly assigned to their origin, the possible mitigation measures also assigned to their origin, and the changes these new parts of the project create, when compared to the November 2013 EIR.

P3-35

3.1.4.3.6 Applicable Plan, Policy, or Regulation

W-2 Water Recycling

This section lists "benefits" from the brine reduction/power generating proposal. None of these "benefits" are precisely defined as to effect on the environment, and, of course, no mitigation is proposed for the effect this water diversion has on the environment. Uses for the water product of the project are "hinted at", but not fully disclosed. The effects on the environment of the use of this diverted water are not disclosed. No disclosure also means there is no proposed mitigation. These vague hints about how this project will recycle water must be fully and accurately disclosed, for compliance with CEQA.

P3-36

W-4 Reuse Urban Runoff

This section makes a strange statement. This statement is "The modified compliance project would not generate urban runoff". No development project ever "generates" urban runoff. At best, any given project may "capture" "urban runoff". A project such as this may cause permeable surfaces to become paved, thereby changing the characteristics of water retention, or loss. This project is best defined as "semi-rural" that is part of land uses becoming "semi-urban". However, from a CEQA requirement perspective, especially since grand schemes are proposed for the rain water that falls on this site, some thorough degree of analysis of the volume, velocity, range of possible pollution content, and effect of diversion from its natural direction is called for. In addition, this SEIR proposes the removing the water that currently falls on the entire property of the Valencia Sewage Plant, and treating this water as "sewage", through the existing tertiary plant, and then through the new RO treatment facility. No environmental study of any kind is invested in this fairly significant water diversion. The lack of study in a CEQA violation.

P3-37

End of Part 2

Part 2 of 4 parts

Part 3 of 3 parts, SEIR Comments, Brine Trucking Proposal, SCVSD

SUBMITTED FOR THE SEIR RECORD BY COMPREHENSIVE CONSULTING GROUP

3.2.2. EMVIRONMENTAL SETTING
The section contains a significant error that must be corrected. Southern California Edison no longer receives energy from a nuclear power source. SCE's San Onofre nuclear plant has been "off line" for several years. SCE get no power from any other nuclear plant. P3-38

The fact that this RO plant will cause a 66 percent increase in electrical energy usage has not been disclosed in this document. P3-39

There is a recent decision issued by the US Supreme Court that stated that measures to protect the environment must disclose the costs associated with those measures. This SEIR fails that new requirement. The document must be revised to correct this major CEQA flaw. P3-8

This SEIR fails to reveal what ratepayers will have to pay, BEYOND the cost of building this project. For this SEIR to conform with the new Supreme Court decision about revealing costs, it must be revised to inform the public, as well as commercial, manufacturing, office, and retail users that they will be faced with a 66 percent rate increase in their electricity bills, paid through the SCVSD just for power to run the RO plant.

CEQA EIR's have always been required to be public information documents. On its face, this SEIR will be in violation of CEQA if it fails to disclose ALL the costs of maintenance, not just the true number for the electric power bill for running these plants. P3-40

This SEIR also fails as a Public Information Document, as revealed in the lack of disclosure of how the project will actually appear, both during construction, when trees will be removed, and after the project is fully built out, and "mitigated for visual Impact", which now is not disclosed in the SEIR. These flaws must be corrected in any proposed Final SEIR. P3-41

Impact Analysis

3.3.4.3.1 Consistency With Regulations for Circulation System.

No where to be found in this SEIR, is any analysis to show how this project conforms with the State Court Ordered DMS, or Development Monitoring System. Compliance with the DMS is required for all land use proposals located in unincorporated areas of Los Angeles County. P3-42

The project needs to import 5,500 cubic yards of dirt. No where in this SEIR is there any chart of possible "donor" sites for 5,500 cubic yards of dirt. Such an importation requires a screening of the "donor" site for effects on the Environment. This flaw is a violation of CEQA which needs to be corrected prior to any certification of an SEIR.

P3-43

All the traffic analysis texts and charts are CEQA violations. Constant mention is made that all trucks will travel all roads at "non peak" hours. However, in all of the traffic impact charts, the following critical information is missing:

1. Any disclosure of the exact times when these "LOS" measurements were taken. EXAMPLE: "AM peak measurements were taken from 5:00AM to 10:00AM, on Wednesday, May 11 and Friday May 13. PM studies were taken from 2:00PM until 7:00PM, also on Wednesday , May 11, and Friday 13."

2. Disclosure of the traffic measurement computer program used is necessary.

P3-44

End of Part 3 of 3 parts, CCG comments, SEIR, SCVSD

Response to Comment P3-1

The comment states that the SCVSD must include information as to why an Environmental Impact Report (EIR) was the selected CEQA document and requests that a scanty listing of District activities not be submitted.

It is unclear what the commenter means regarding "scanty listing of District activities."

The rationale for preparing a supplemental EIR is described in Section 1.3. While a negative declaration or mitigated negative declaration would potentially be legally sufficient, the SCVSD deemed a supplemental EIR as a better way to communicate the modifications to the project and provide for public input.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-2

The comment seeks an "admission" that the adequacy of the Certified EIR has been challenged in the Superior Court of Los Angeles County.

The adequacy of the Certified EIR was challenged in court by the Affordable Clean Water Alliance. Section 1.10 has been revised as follows:

> In accordance with §15063 and §15082 of CEQA Guidelines, the SCVSD, as the Lead Agency, prepared an NOP for the proposed project (see Appendix A). No areas of controversy were identified during the NOP scoping period for the Draft SEIR with respect to the SEIR. However, the adequacy of the EIR certified in 2013 (Certified EIR or 2013 EIR) was challenged in court by the Affordable Clean Water Alliance (ACWA). This challenge was heard in Superior Court on Tuesday, February 23, 2016. The SCVSD prevailed on most of the disputed issues. ACWA's petition was only granted in two narrow areas.
>
> First, the Court directed the SCVSD to conduct further environmental study on potential impacts to an endangered fish (unarmored threespine stickleback) that could result if the SCVSD were to significantly reduce its discharge of treated wastewater to the river in support of water reuse. This water reuse component of the Certified EIR is independent of the project components needed to comply with the Chloride TMDL. To avoid delays in meeting the Chloride TMDL deadline, the water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.
>
> Second, the Court set aside the approval of the compliance project and the associated 2013 EIR because of the need for more stickleback analysis and because the SCVSD is pursuing a different method of brine management. The Court found no fault with any of the chloride compliance components of the project.
>
> On March 23, the SCVSD Board will be asked to recertify the 2013 EIR without the water reuse component, certify the SEIR, and approve a modified chloride compliance project. If the Board takes these actions, the Court's ruling is not expected to affect the SCVSD's schedule for complying with the Chloride TMDL.

Response to Comment P3-3

The comment states that the Supplemental EIR must include information and documentation regarding the challenge that SCVSD filed with the state that the chloride compliance represents an unfunded mandate.

This comment refers to a claim filed by the SCVSD in March, 2011 with the State Commission on Unfunded Mandates and relating to the chloride compliance orders. This claim was denied by the Commission, and the Los Angeles County Superior Court later denied the SCVSD's petition for writ challenging the Commission's decision. This action related to whether the State would be required to pay for the project and not the potential environmental impacts of the project. The documents the commenter requested to be included in the appendix for the Supplemental EIR are irrelevant to the matters considered by the Supplemental EIR—the potential environmental impacts of the project studied. Therefore, no revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-4

The comment states that the SCVSD has not disclosed why rigorous site testing was not completed as the basis for the chloride limit and that the SCVSD instead relied on "Magazine Articles."

Contrary to the commenter's statement, the SCVSD did discuss why field studies were not conducted (see Response to Comment A13-5 of the 2013 Certified EIR among others). As described in Response to Comment A9-2 in the Certified EIR, the chloride limit for the Santa Clara River was originally established in 1975 based on existing conditions and revised upward to 100 mg/L in 1978 based on better data regarding the river's water quality. The appropriateness of this level was confirmed by a review of scientific literature by a panel of experts—not a review of "magazine articles" as the commenter suggests. For more information, see Section 3.3.3.2 of the Certified EIR and Response to Comment P21-2 in the Certified EIR. The literature review is referenced rather than included as an appendix. Please contact the SCVSD if you wish to review a copy.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-5

The comment alleges that the Supplemental EIR should "reveal that the new effects of the revised project were not disclosed previously" which is the reason for the Supplemental EIR. The comment also questions the SCVSD's decision to prepare an EIR instead of a Negative Declaration.

The SCVSD does not understand the commenter's criticism that "the new effects of the revised project were not previously disclosed." The potential environmental impacts of the project as previously proposed were analyzed in the Certified EIR. The potential environmental impacts of the project as modified could not be studied until the modifications to the project in the Certified EIR were identified and proposed. As noted in Section 1.3 and as required by CEQA, the SCVSD has prepared this Supplemental EIR to "evaluate the environmental impacts of

construction and operation of the chloride compliance project as modified by the proposed project modification."

See Response to Comment P3-1 regarding the decision to prepare a supplemental EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-6

The comment states that the lack of precise cost disclosures in the Overview is a major flaw and not consistent with a recent uncited and unnamed United States Supreme Court opinion.

CEQA does not require disclosure of costs and the SCVSD is unaware of any recent U.S. Supreme Court decision regarding the need to disclose costs in a CEQA document, a document required due to State, not Federal law. Note that the costs of the modified project are presented in Table 6-1 in 2015 dollars. To avoid confusing readers with numeric comparisons to the costs presented in the Certified EIR which used 2012 dollars, the Supplemental EIR uses qualitative language like "the construction cost of the modified compliance project is similar to the originally approved project; however, the modified project would have higher annual operating costs" as shown on page ES-1.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-7

The comment claims that the Draft Supplemental EIR's impact conclusion is flawed because the brine disposal site was not identified. The comment also states that cost disclosure must be included.

The commenter's statement that a precise site for disposal of brine concentrate has not been identified is incorrect. The proposed brine disposal location is the Joint Water Pollution Control Plant (JWPCP) in Carson as stated on pages ES-3, 2-5, 6-21 and 6-22; as shown in Figures ES-1 and 2-1; and as discussed throughout the impact analysis.

As noted in Response to Comment P3-6, CEQA does not require disclosure of costs as the commenter states. However, the costs presented in Table 6-1 for "JWPCP" account for trucking to and from the JWPCP and for disposal of brine at the JWPCP.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-8

The comment questions the logic of the text provided regarding rate impact in the Overview section.

The Supplemental EIR is a document designed to analyze potential environmental impacts of the modified chloride compliance project. CEQA does not require cost analysis except as such analysis might relate to the feasibility of mitigation measures and the evaluation of alternatives. The potential prospect of rate increases relating to future operations is irrelevant to such an analysis. Nonetheless, cost information relating to the modified project is provided in Table 6-1.

The text the commenter seems to request explanation of is excerpted below from page ES-1:

> "In 2014, the SCVSD Board of Directors adopted rates through June 2020 to pay for the approved compliance project. The construction cost of the modified compliance project is similar to the originally approved project; however, the modified project would have higher annual operating costs. As such, the already approved customer service charge rates are expected to be sufficient to construct and start the modified compliance project. The timing and size of rate increases beyond 2020 depends on a variety of circumstances including inflation and the ability to obtain more grant funding."

The key point to note about this text is that the higher annual operating costs would not begin until mid-2019 when the compliance project becomes operational. Mid-2019 is the last year of the six-year rate increase adopted in 2014. As noted in the quoted text, the timing and size of rates beyond 2020 depend on a variety of circumstances including inflation and the ability to obtain more grant funding. Attempting to be more precise about the rates needed six years from now has limited value because of the variety of circumstances that will unfold over the next six years and impact needed rates.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-9

The comment questions how a previous Regional Board fine was handled and states that this information must be included in the Supplemental EIR.

The comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Nevertheless, Section 6.4.4 of the Certified EIR states: "In November 2012, the RWQCB-LA issued an administrative civil liability complaint to the SCVSD seeking a fine of $280,250 for failure to complete a Facilities Plan and EIR in 2011. In March of 2013, the SCVSD reached a settlement with the RWQCB-LA that reduced the fine to $225,000."

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-10

The comment claims that the Background section of the Supplemental EIR fails to provide full facts including the lawsuit challenging the adequacy of the Certified EIR.

See Response to Comment P3-2.

Response to Comment P3-11

The comment states the project description is unclear as to who controls the land where the proposed brine concentration facilities will be sited and where such facilities will be located.

Page ES-3 states "the proposed modification to the approved chloride compliance project is to replace brine management by deep well injection with the addition of enhanced brine concentration equipment at the VWRP…The brine concentration facilities would be installed within the existing footprint of the plant in an area of disturbed, but undeveloped land." The

plant is the VWRP, which is owned by the SCVSD. The location of the brine concentration facilities is called out on Figure ES-2.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-12

The comment claims that the Supplemental EIR must be consistent "will provide service letters" and must provide accurate number for what future developments must pay. The comment further states that failure of these issues violates CEQA and is inconsistent with the local general plan.

The commenter's points are not clear. Will-serve letters simply mention the availability of capacity to serve a proposed development and provide the developer general knowledge about requirements to obtain service including the need to pay connection fees. Specific connection fees are not quoted because the amount will depend on the fee as of the day when the developer seeks building permits, which is often several years after the will-serve letter is issued. The chloride compliance project would does not change the treatment capacity of the SCVSD facilities, would have no impact on the SCVSD's capability of providing service to new developments and would be consistent with the local general plan as discussed in the Initial Study for the Supplemental EIR and in Section 17.4.2.2 of the Certified EIR.

See also Response to Comments P3-6 and P3-8 regarding cost disclosure.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-13

The comment alleges CEQA violations regarding the "Potential Facilities to Generate Renewable Energy" stating that the section title is disingenuous, that the project would create a power shortage, that there is no precise information about energy consumption, and there is no cost and environmental impacts provided for new power generation to serve the project.

It is unclear what the commenter finds "disingenuous" about the section title and its contents or what basis is for the commenter's claim that the section violates CEQA. The Section titled "Potential Facilities to Generate Renewable Energy" on page ES-3 begins with "The chloride compliance project will increase SCVSD power demands. To offset this increase, various technologies for onsite renewable power generation are evaluated in Section 6." The ensuing text on page ES-3 then summarizes the evaluation of potential onsite power generation facilities contained in Section 6.7. Because this text is provided in an Executive Summary, the discussion necessarily does not contain all the details. The fact that the reader must go to the body of the report for certain details does not constitute a deferred environmental or cost analysis as the commenter states.

The energy impacts of the project, including potential facilities to generate renewable energy, are contained in Section 3.2 "Energy Resources." As noted on page 3.2-4, the project's electricity impact is equivalent to increasing the power consumption for each person served by SCVSD by 1 percent, which would not result in a power shortage as the commenter opines. Costs for potential renewable energy facilities are mentioned in Section 6.7 in a manner that enables evaluation of the alternatives. The environmental impacts of the potential renewable energy facilities are addressed in the Initial Study and throughout the resources chapters under the heading

"Renewable Energy." Combustion emissions for the potential renewable energy facilities are shown in Table 3.1-4.

The analysis of renewable energy facilities does not purport to meet project energy needs. Instead, the analysis contained in Section 6.7 utilizes the practical approach of examining the potential installation of solar panels at various locations at the plant and utilizing available fuel (biogas) produced onsite.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-14

The comment states that the Supplemental EIR is flawed because it lacks a No Project Alternative. The comment further states that increased electrical consumption should be addressed in the alternatives chapter and that the May 2015 compliance deadline was not a strict deadline.

A discussion of the "no project alternative" is provided in Section 6.9.1. Energy impacts are described in Section 3.2 of the Supplemental EIR and the Supplemental EIR concludes that impacts to the energy system would be minor and less than significant. The analysis of alternatives is contained in Section 6 of the Supplemental EIR and Section 6 of the Certified EIR. Both analyses utilize energy use as a criterion in evaluating alternatives.

At the time the Certified EIR was certified, the deadline for the compliance project to be operation was May 4, 2015, as noted on page 7-5 of the Certified EIR:

> "Due to the magnitude of the recommended project, none of the alternatives can be completed by the current Chloride TMDL deadline of May 4, 2015. The SCVSD will request that the RWQCB-LA extend the Chloride TMDL compliance deadline to July 2019 to provide the needed time for permitting, design, construction, and start-up."

Through work by SCVSD staff and cooperation by Regional Board staff and board members, the Regional Board made the discretionary decision to extend the deadline to July 2019. The Regional Board required full funding of the chloride compliance project before beginning the process to extend the deadline.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-15

The comment asserts that the Draft Supplemental EIR is not adequate because the document does not identify ongoing litigation over the Certified EIR as an area of controversy.

See Response to Comment P2-1.

Response to Comment P3-16

The comment claims that the Supplemental EIR makes a blatantly false statement which stating that no significant unavoidable impacts would occur. The comment further states that being in a non-attainment zone for ozone, PM10 and PM2.5 means that zero increase in emissions is allowable under CEQA.

The project's analysis of air quality impacts is contained in Section 3.1. The "attainment status" for various air pollutants is noted on page 3.1-6. CEQA allows the lead agency to choose an appropriate analysis methodology and significance criteria. In this case, the SCVSD utilized an industry-standard approach (see Section 3.4.1.2.1) and significance criteria established by the public agency responsible for protecting the region's air quality—the South Coast Air Quality Management District (SCAQMD) (see Section 3.1.4.1.1). Using this approach, the project's generation of air pollutants was projected to be less than the SCAQMD's significance levels and thus, the impact would be less than significant.

The commenter's statement that zero increases in air pollution are allowable unless all feasible mitigation measures have been exhausted is not correct. CEQA requires mitigation only for impacts that are significant and the significance criteria established by the SCAQMD are greater than zero (i.e., emissions greater than zero can still result in less than significant finding).

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-17

The comment asserts that the Supplemental EIR must disclose the ongoing litigation over the Certified EIR and that the request for this disclosure has been repeated several times.

See Response to Comments P3-2.

Response to Comment P3-18

The comment claims that Supplemental EIR is not adequate because it lacks visual simulations of the chloride compliance facilities.

Potential aesthetic impacts are addressed in the Initial Study for the Supplemental EIR (Appendix B) and Section 9 of the Certified EIR. As noted in the Initial Study, all construction under the modified compliance project would be within the existing VWRP. The new facilities at the VWRP would look similar to the existing industrial equipment onsite and would not alter the current visual character of the area. These facilities would have limited visibility offsite as the VWRP currently has a line of tall, mature trees that screens views into the plant for The Old Road and none of the facilities would exceed the height of existing facilities. CEQA does not require a visual rendering to reach an impact conclusion and, in this case, the SCVSD found that a visual rendering was not needed to reach an impact conclusion.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-19

The comment claims that impacts 3.3-2, 3.3-3 and 3.3-4 were dismissed as having no impact. The comment further states that the proposed reduction in the discharge to treated wastewater as described in the Certified EIR affects these impact statements.

As shown on Page ES-11, the level of impact for the three referenced impacts were all "less than significant," not "no impact" as the commenter states.

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water." This project component is independent from the other project components,

which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document. The project description in Section 2 has been revised to reflect this information.

Response to Comment P3-20

The comment states that the issues of water diversion and destination for reclaimed water are significant issues that will be dealt with in later comments.

The comment does not provide any specific comments as to the address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-21

The comment suggests that two cultural resource impacts are prematurely dismissed in the Supplemental EIR and suggests that the proposed reduced discharge of treated wastewater was an overarching issue.

Impacts to cultural resources are addressed in the Initial Study (Appendix B) and in Section 12 of the Certified EIR. It is unclear what the commenter's specific criticism is relative to the cultural resources analysis. The link between cultural resources and the diversion of water from the river is also unclear. Thus, no further response is possible. Note that, as described in Response to Comment P3-2, the project component in the Certified EIR titled "Support for Municipal Reuse of Recycled Water" is no longer part of the currently recommend project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-22

The comment suggests that conclusions regarding energy impacts come from the Certified EIR, the energy impact conclusion is "no impact," and such conclusion is contradictory to the SCVSD's consideration of potential onsite renewable energy facilities. The comment further mischaracterizes the Supplemental EIR's discussion of potential renewable energy facilities. Last, the comment complains about the section conclusions being covered in eight words.

The following response attempts to clarify and correct various points. First, the energy impact from the entire, modified compliance project is addressed in Section 3.2 "Energy Impacts." There is no reference back to the Certified EIR for energy consumption as the commenter states. Impact 3.2.1 describes many potential impacts and combines all four energy-related significance criteria from the CEQA Guidelines. In Section 3.2, the Supplemental EIR notes that the compliance project would increase the VWRP and SWRP energy consumption by 80 and 5 percent, respectively. However, relative to the population served, this increase is about 1 percent and would not require new infrastructure from the power provider (Southern California Edison) other than a new feed from the adjacent street. Ultimately, the project's energy impact was deemed "less than significant" not "no impact" as the commenter states.

On page ES-3, the Supplemental EIR states "The chloride compliance project will increase SCVSD power demands. To offset this increase, various technologies for onsite renewable power generation are evaluated in Section 6." Thus, despite the energy impact being deemed less than significant, the SCVSD evaluated various technologies to be a good environmental steward and to seek potential cost savings for our ratepayers. The conclusion of this technology evaluation is provided on page ES-7 and in Section 6.7.6. Neither of the top-ranked technologies (solar and a microturbine fueled by biogas produced during wastewater treatment) are economical at this time. However, as noted on page ES-7 and in Section 6.7.6, "to enable timely implementation of a renewable energy project, the environmental impacts of installing solar photovoltaic panels and a gas-to-energy microturbine at the VWRP are analyzed in this Supplemental EIR. Any necessary additional CEQA analysis will be completed before implementation." Thus, staff is not recommending implementation of renewable energy facilities at this time. But the environmental impacts of solar and a gas-to-energy microturbine have been studied as a project component in case the SCVSD Board wishes to consider approval of such facilities in the future. Any such approval of that project component would require a Board action at a public meeting.

As noted in Response to Comment P3-13, the environmental impacts of the potential renewable energy facilities are addressed in the Initial Study and throughout the resources chapters under the heading "Renewable Energy." Combustion emissions for the potential renewable energy facilities are shown in Table 3.1-4.

The basis for the commenter's complaint about an 8-word summary is unclear. Section 3.2 covers "Energy Resources" and consists of four pages. The impact summary on page 3.2-4 consists of five lines of text.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-23

The comment requests that the Supplemental EIR evaluate emission of greenhouse gases and dangerous pollutants like dioxins from the potential combustion of digester gas in a microturbine.

Greenhouse gas emissions from the potential microturbine (which would be fueled by digester gas) are discussed in Section 3.1.4.3.5 and included in Table 3.1-11 "Project GHG Emissions with Renewable Energy Facilities." The emission of criteria pollutants from the potential microturbine is discussed in Section 3.1.4.3.2 and included in Table 3.1-5. The potential emission of hazardous air pollutants (HAPs) from the potential microturbine is discussed on page 3.1-24 of the Draft Supplemental EIR. This discussion notes that, using conservative estimates of HAP emissions, the level of HAP emissions, including dioxins, would be below the SCAQMD Tier 1 screening risk levels, confirming that the microturbine would result in an insignificant health risk. The SCVSD would be required to obtain a permit to operate the microturbine from the South Coast Air Quality Management District (SCAQMD). As required by SCAQMD Rule 1401, the air district will require source testing and emissions reporting to confirm that emissions of both criteria and toxic pollutants are below levels of concern.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-24

The comment requests a rigorous analysis of the project's energy consumption including amount consumed, cost, power generation source, and emissions from the power generation source.

The projected energy consumption for the project is described in Section 3.2 including Table 3.2-1, which presents power consumption for various project components. The O&M cost shown in Table 6-1 includes the compliance project's estimated energy consumption. In the majority of cases, power customers do not dictate where their power comes from. Large electricity providers like Southern California Edison obtain electricity from a portfolio of options that change over time. CEQA does not require a project of this nature to identify the sources of power as the commenter states. The emissions of criteria air pollutions from the potential microturbine are provided in Table 3.1-7.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-25

The comment states that geologic and soil characteristic will be addressed later.

The comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-26

The comment claims that substantial comments about restoring ancient water volumes and discharging large amounts of reverse osmosis product water at Canyon Country and Agua Dulce were provided during the Certified EIR process in 2013 and that the SCVSD responded that these were great concepts but had to be dismissed because of the 2015 compliance deadline. The comment asks that this concept be revisited in light of the new 2019 compliance deadline.

The SCVSD is unaware of <u>any</u> comments submitted about the "need to restore the ancient water volumes historically found in the reaches of the Upper Santa Clara River," let alone substantial comments as the commenter states. A search of the comments and response to comments in the Certified EIR revealed one reference to "Canyon Country" and none for "Agua Dulce." The Canyon Country reference is located in comment P46-2 where the commenter asked about idea of pumping treated water (without reverse osmosis treatment) upstream to the Canyon Country area as a means for compliance. The SCVSD responded with references to three portions of the Certified EIR that explained why this approach was not a feasible alternative. None of the reasons given had anything to do with the compliance deadline as the commenter states. In comments A21-5 and A21-7, the Newhall County Water District suggested conveying advanced treated water upstream for groundwater replenishment. The response to comments explained why these approaches were either infeasible or not desirable; and, again, the compliance deadline was not part of the rationale. These reasons are still valid now and these compliance approaches are still not feasible.

Water agencies have expressed interest in use of reverse osmosis product water for groundwater recharge in various locations. While the SCVSD is supportive of increased water reuse (see Response to Comment P3-19 regarding project component titled "Support for Municipal Reuse of Recycled Wastewater"), provision of RO product water by the SCVSD would be a separate issue than providing facilities to comply with the Chloride TMDL.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-27

The comment claims that the Supplemental EIR does not address the impact that brine discharge at the JWPCP would have on the ocean.

Hydrology and water quality impacts are addressed in Section 9 of the Initial Study found in Appendix B of the Draft Supplemental EIR. The impact of SCVSD brine discharged to the Joint Water Pollution Control Plant's ocean outfalls is addressed in sub-item a) on page IS-17. In short, because the JWPCP processes about 270 million gallons per day into which the SCVSD's 0.03 million gallons per day of concentrated brine would be added, "disposal of concentrated brine at the JWPCP would raise salinity of the JWPCP by less than one percent and would not impair the ability of the JWPCP to meet its NPDES permit for discharge to the ocean."

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-28

The comment suggests that the Draft Supplemental EIR does not study the effects of the proposed reduction in discharge of treated wastewater to the Santa Clara River.

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" that would have provided more recycled water to the community and resulted in reduced the discharge of treated wastewater to the Santa Clara River. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document. The project description in Section 2 has been revised to reflect this information.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-29

The comment claims that the recent Newhall Ranch Court decision indicated that there was insufficient habitat for endangered animals and therefore, the proposed reduced discharge of treated wastewater to the river must result in a significant impact.

See Response to Comment P3-28.

Response to Comment P3-30

The comment asserts that the cumulative transportation impacts in the Supplemental EIR are not sufficient.

The potential cumulative impacts to the transportation system are described in Section 4.2.2.10 of the Draft Supplemental EIR. The commenters concerns regarding the cumulative analysis are not specific enough to provide a more detailed response.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-31

The comment claims that the Draft Supplemental EIR must include existing Congestion Management Plans to properly inform the public.

It is common practice to reference publicly-available reports and code requirements rather than include such information within the document. If the commenter wants assistance in finding the Los Angeles County Congestion Management Plan, the commenter is welcome to contact the SCVSD.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-32

The comment claims that complete fault studies are needed for the Draft Supplemental EIR to be adequate.

Geologic hazards including seismicity are addressed in Section 6 of the Initial Study (Appendix B of the Supplemental EIR), Section 14 of the Certified EIR, and Section 6 of the Initial Study for the Certified EIR (Appendix 8-A). The work completed to date is sufficient to support the conclusions reached.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-33

The comment claims that Section 1.3 of the Supplemental EIR states that "the proposed project was not adequately studied" in the Certified EIR. The comment further claims that the Supplemental EIR "states that there are significant effects… from multiple parts of the brine trucking."

The basis for the commenter's claims is unclear as the text in Section 1.3 clearly does not state or imply either of the statements that the commenter alleges. Section 1.3 notes that the SCVSD proposes to modify one component of the approved chloride compliance project—the approach to brine management. The section further states "The potential environmental impacts of these changes have not been previously studied. Therefore, in accordance with CEQA, it is appropriate to evaluate the environmental impacts of construction and operation of the chloride compliance project as modified by the proposed project modification (modified compliance project). Once an EIR has been certified, CEQA allows for additional environmental review via a subsequent EIR, supplemental EIR, or an addendum." The section goes on to explain the legal requirements for these types of CEQA documents and concludes that a supplemental EIR is the appropriate CEQA document.

Section 1.3 does not state "that there are significant effects on the environment from multiple parts of the brine trucking new project" as the commenter states. Further the Supplemental EIR does not conclude "that there are NO effects on the environment from the proposed project" as the commenter states. A review of Table ES-1 shows that the majority of impacts were found to be "less than significant."

There is no justification for further study or additional mitigation measures, and no revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-34

The comment claims that the addition of a renewable energy component renders the project internally inconsistent between the Certified EIR and the Draft Supplemental EIR, which reveals that the study of electric power facilities is therefore inadequate.

For background on why renewable energy facilities were considered, see page ES-3 and Section 6.7. See also the explanation provided in Response to Comment 13.

The core of the project was and is about meeting the first project objective noted on page ES-1 ("Provide compliance with the State-mandated Chloride TMDL for SCVSD wastewater treatment and discharge facilities by the State's deadlines"). Adding a component to reduce the energy consumption of the chloride compliance project does not "render the project internally inconsistent" or make the Supplemental EIR "internally inconsistent" as the commenter states. The consideration of power generation facilities also does not reveal "that the study of electric power facilities are inadequate on their face" as the commenter states. For the discussion of energy impacts, see Section 3.2 of the Supplemental EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-35

The comment suggests that the Supplemental EIR does not adequately characterize Santa Clarita Valley air quality including attainment status for various criteria pollutants, does not disclose emission levels and does not propose mitigation. The comment claims that the level of emissions from various project components is not disclosed. The comment further states that the Supplemental EIR combines different projects and does not address the effects of each in the manner required by CEQA.

See Response to Comment P3-16 for an explanation of the air quality analysis completed. None of the commenter's claims are correct. Attainment status for criteria pollutants is presented on page 3.1-6. Emissions for all project components are disclosed in Section 3.1 "Air Quality and Greenhouse Gas Emissions." For construction emissions, see Tables 3.1-5 and 3.1-6. For operational emissions, see Table 3.1-7. CEQA requires mitigation measures only when there is a significant impact. The Supplemental EIR did not identify the need for any mitigation measures beyond those identified in the Certified EIR.

The Certified EIR contains projected air emissions specific to each alternative (see Tables 10-5 through 10-17). Note that the air quality analyses provided in the Certified EIR are somewhat irrelevant since the SCVSD is proposing a modified project and the air quality impacts of the entire compliance project, as modified, are included in the Supplemental EIR.

Last, it is common for a project analyzed under CEQA to consist of multiple components that, in and of themselves, might be implemented as separate construction contracts or projects. For example, the typical residential development involves streets and subsurface utilities in additional to homes. For the proposed chloride compliance project, each project component is analyzed throughout the Supplemental EIR and the impact of the entire project (the sum of all of the components) is presented for each potential impact as required by CEQA.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-36

The comment states that Section 3.1.4.3.6 of the Supplemental EIR does not adequately define project benefits and suggests that mitigation should be provided for the project component involving reduced discharge of the treated wastewater to the river. The comment further suggests that how recycled water will be used and the impacts of that use must be disclosed.
The referenced Section 3.1.4.3.6 discusses portions of the California Air Resources Board Scoping Plan to control greenhouse gases that are relevant to the proposed compliance project. The discussion for policy W-2 "Water Recycling" qualitatively describes the project's benefits to greenhouse gases by recycling water. CEQA does not require description of project benefits to the environment, let alone quantitative benefits as the commenter suggests. As described in Sections 3.1 and 3.2 of the Supplemental EIR, the project would not result in significant impacts to greenhouse gas emissions or energy. CEQA only requires mitigation for significant impacts, so no mitigation was required.

As noted in Response to comment P3-28, the Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water." This water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document. The project description in Section 2 has been revised to reflect this information.

Response to Comment P3-37

The comment suggests that the Supplemental EIR's assessment of stormwater impacts is not adequate. The comment states that the project involves routing rainfall through the VWRP treatment process and expresses concern that this would result in a significant water diversion that warrants thorough environmental analysis.

As an ancillary feature, the project includes an extension of the treatment plant's stormwater management system. Consistent with the existing stormwater management system, initial storm flows ("first flush") would be directed through the plant's treatment facilities to remove any impurities the runoff might contain. Since rainfall does not contain chloride, treatment of rainfall would not increase the need for chloride removal by the proposed advanced treatment facilities. Beyond the first flush, storm flows bypass treatment and discharge to the Santa Clara River. The project's potential stormwater impacts (including the addition of impervious surfaces) are addressed in Section 9 of the Initial Study for the Supplemental EIR (Appendix B) and in Section 16 of the Certified EIR.

The entire VWRP property covers 26 acres, over half of which is undeveloped and will remain undeveloped after implementation of the chloride compliance project. In the typical year with 17 inches of rain and conservatively assuming that there is no rainfall percolation into the ground and that all rainfall (not just first flush) over the entire 26-acre property is captured and reused, the reduced runoff to the river would be about 37 acre-feet per year or 0.03 mgd. Relative to the discharge of treated wastewater on the order of 20 mgd, this theoretical loss in river flow is negligible. Note that when rain is falling, reuse is minimal, so most, if not all, of the rainfall treated at the plant still ends up in the river.

The Santa Clarita Valley watershed tributary to the Santa Clara River consists of 1 million acres while the entire VWRP property (some of which contains pervious surface) covers 26 acres. Thus, any capture and reuse of rain falling on the VWRP would have a negligible impact on the volume of watershed runoff and would not appreciably reduce groundwater recharge in the area. No further analysis is required.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-38

The comment suggests an Supplemental EIR deficiency because the SCE's San Onofre generation plant is no longer operational.

The comment is noted. Section 3.2.2 of the Draft Supplemental EIR has been revised to remove the reference to nuclear power.

Response to Comment P3-39

The comment states that the Supplemental EIR does not disclose significant energy consumption from RO equipment.

As noted in Response to Comment P3-13, the energy impacts of the project are described in Section 3.2 "Energy Resources." Existing energy consumption, the increase in consumption with the project, and the following text are contained in page 3.2-3: "The additional demand would increase energy usage by approximately 80 percent at the VWRP and by approximately 5 percent at the SWRP."

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-40

The comment states that the Supplemental EIR is not adequate because it does not disclose the costs for the increased energy usage by the project, which the comment claims is a requirement based on a recent U.S. Supreme Court decision. The comment also claims that costs beyond construction of the project are not disclosed and claims that community members will face a 66 percent rate increase in their electricity bills.

As noted in Response to Comment P3-6, CEQA does not require disclosure of costs and the SCVSD is unaware of any recent U.S. Supreme Court decision regarding the need to disclose costs in a CEQA document, a document required due to State, not Federal law. Without a case citation, no further response is possible.

See Response to Comment P3-8 for the SCVSD's disclosure of project costs. Contrary to the commenter's claim, anticipated costs for running the new facilities are provided in the average O&M costs shown in Table 6-1, which include labor, electricity and chemicals. These costs would be paid through service charges paid by users of the SCVSD's system, and would <u>not</u> be part of electricity bills paid by businesses and homeowners as stated by the commenter. Rates for the compliance project have already been adopted. Over a six-year period, the rate paid by a single family home will increase by about 10 dollars a month.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-41

The comment asserts that the Supplemental EIR does not adequately disclose the visual impacts during and after construction including removal of trees during construction.

See Response to Comment P3-18 regarding the analysis of aesthetic impacts. Note that the only trees which would be removed by the project are a few ornamental, non-protected species along the eastern fence line of the property as noted on page 3.2-3 of the Draft Supplemental EIR. After the new power feed is installed, trees would be replanted in this area as noted on page 3.2-3.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-42

The comment states that the compliance with the Development Monitoring System (DMS) is required for all land use proposals located in unincorporated Los Angeles County and notes that analysis relative to the DMS is not included in the Supplemental EIR.

This project is not a housing development that requires a variety of new public services such as fire protection, police, schools or libraries. Consequently, analysis for consistency with the County's Development Monitoring System is not applicable. The potential impacts to utilities and service systems are addressed in Section 17 of the Initial Study for the Supplemental EIR (Appendix B).

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-43

The comment asserts that the Supplemental EIR must contain a screening of soil borrow sites.

The location(s) where soil may be imported from are unknown at this time. Such location(s) will be determined by the Contractor that provides the successful bid for the project. Since bids are not expected to be received until late 2016 and soil borrow sources open and close over time, it would be inappropriate to screen currently available borrow locations and speculative to analyze a location as the commenter suggests. The SCVSD would employ a screening process with the contractor to ensure that imported soil is non-hazardous. CEQA does not require speculative analysis as noted in Section 1.7.1.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P3-44

The comment claims that critical information about the traffic analysis is missing, including the times when LOS measurements were taken and the traffic measurement computer program utilized.

Transportation impacts are discussed in Section 3.3 and the supporting analysis and data are provided in Appendix D. Specific dates and times for traffic counts are shown in Appendix D. The peak period turn movement counts in the Valencia study area were collected on Tuesday, September 22, 2015, between 6:00 a.m. and 9:00 a.m. (AM Peak Hour); and, 3:00 p.m. to 6:00 p.m. (PM Peak Hour). For the Carson study area, the peak period turn movement counts were also collected on Tuesday, September 22, 2015, between 7:00 a.m. and 9:00 a.m. (AM Peak Hour); and, 4:00 p.m. to 6:00 p.m. (PM Peak Hour).

The software used to analyze LOS are *Traffix 8.0* and *Synchro 9* as noted on page 4 of Appendix D and on each model output page provided in Appendix D.

No revisions to the Draft Supplemental EIR are required in response to this comment.

7.4 HEARINGS

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Commenter H1, December 10 Public Hearing, Various Commenters

Santa Clarita Valley Sanitation District

Supplemental EIR For Brine Concentration
And Limited Trucking

Public Hearing

December 10, 2015

-o0o-

Santa Clarita Activities Center
20880 Centre Pointe Parkway
Santa Clarita, California 91350

Pages: 1 to 35

Job No. 142484

Reported By: Vanna Saavedra, CSR
CSR. NO. 14030

SANTA CLARITA, CALIFORNIA, THURSDAY, DECEMBER 10, 2015

7:31 P.M.

-O0O-

MR. STEVEN HIGHTER: Welcome and good evening. My name is Steve Highter. I'll be serving as the hearing officer for tonight for what is the first of two public hearings for the Draft Santa Clarita Valley Sanitation District Supplemental Environmental Impact Report for Brine Concentration and Limited Trucking. Before we get started, I'd like to point out that if anyone needs to use the restroom, they are located down the hall, and to the right, there's a sign, and there's also a water fountain in the same direction (Indicating.).

Tonight's public hearing is not a decision-making meeting. We are here to receive your input, which will be used to help finalize the Supplemental EIR. Tonight's hearing is being transcribed. Your comments and our responses to your comments will be included in the Final Supplemental EIR. Your hearing will consist of a 15-minute presentation by Sanitation District's Staff followed by public comments.

If you'd like to provide oral comments, you will need to fill out a speaker's card which are available in the table in the back. Alternatively, you may provide your comments in writing on comment forms that are also available in the back or you may submit a comment letter or send us an e-mail.

Now, I'd like to take a moment to introduce the members of district's staff that we have here with me tonight. To my far right is Ray Tremblay. Ray is the Head of Facilities Planning Department. Sitting next to Ray is Bryan Langpap, who is the project manager. And to my left is Mark Giljum. He's a project engineer and will be giving the presentation. And in the back, I've got Phil Kang, project engineer and next to the projector here is Johnmar Deguzman. Mark will now give tonight's presentation.

MR. MARK GILJUM: Thank you, Steve. Good evening. I'll start the presentation by describing the services that my agency provides. The Santa Clarita Valley Sanitation District is the public agency that collects and treats Santa Clarita's sewage or waste water which comes from sinks, laundries, toilets, and showers of both homes and businesses. These flows go to the nearest sewer and ultimately to one of the district's two waste water treatment plants or water reclamation plants that collectively treat about 20 million gallons per day, which is enough to fill the Rose Bowl every four days.

Some of the high quality treated water is used for landscape irrigation, and the rest is discharged in the Santa Clara River which is protected by state and federal law. The Regional Water Quality Control Board is the state agency responsible for enforcing federal and state laws and regulations to protect water quality. The Regional Board has set a strict

limit of 100 milligram per liter on the amount of chloride that can be discharged to the Santa Clara River. Chloride is a common salt that occurs in waste water due to both nature and people. But additional treatment is needed because our treatment plants do not remove chloride.

The state's strict compliance deadline is July 2019. So in less than four years, we must do the following: Design new facilities; bid new order construction contract; order equipment that has long lead time; and then construct, start-up, and test that equipment. Failure to meet the July 2019 deadline or other interim deadlines could result in steep fines that Santa Clarita Valley property owners would have to pay.

The mandatory minimum fine is $2 million per year and could be much higher with the addition of discretionary fines. And in 2012 the regional board did fine us $225,000 for missing a deadline. In 2013 after nearly two years of extensive public input, hearings, and environmental review, the district board approved a project to comply with the state mandated chloride limit. The approved compliance project consists of the elements on this slide, including advanced treatment using microfiltration and reverse osmosis or MFRO to remove chloride.

Reverse osmosis creates a salty water byproduct called brine that needs disposal. Our original solution for brine management was deep well injection at a site about two miles south of the Valencia plant, but earlier this year, the district

withdrew its deep well injection proposal and staff was directed to investigate other brine management options.

Before we go forward, I'll explain how reverse osmosis works. Under pressure, water is forced through a semipermeable membrane and separated into a salty water called brine. In a regular reverse osmosis system, 85 percent of the incoming water is purified, and the other 15 percent ends up as the waste brine.

There's a photo showing the brine from different parts of the RO system. On the left is the treated water from our existing reclamation plant that would go into the RO system. This water is high quality and meets drinking water standards. In the middle is the ultra-clean filter water that has been pushed through these auto membranes and on the right is the water that does not pass through the brine, the salty water, that needs proper disposal.

Now, brine is not toxic waste. It's just very salty water. Under the proposal, we envision it would be concentrated to about two times the salt content of the ocean. In non-drought years, we will not need to run the RO system in its capacity and during those times could produce ultra-clean water for use in recharging ground water which would help augment the community's water supply.

The district now proposes to change only the brine management component of the approved chloride compliance

project. All of their components remain unchanged and the district is moving forward with design of those components to stay on schedule. For brine management, the district proposes to replace deep well injection with the addition of brine concentration equipment at the Valencia Water Reclamation Plant and limited trucking of that concentrated brine to an existing industrial facility.

Limited trucking is about six truckloads per day on average with a maximum of ten per day. Trucks would haul during off-peak hours to avoid the morning and evening rush hours. And here's a closer view of the Valencia WRP. The proposed concentration equipment would be located at the north end of the property. Along with the MFRO facilities in an area that is already disturbed. The outbound and inbound truck routes are shown in green and yellow in the slide. They would load at the north end of the plant, enter I-5 from a nearby ramp or a ramp for Magic Mountain Parkway, which is about a mile to the south.

Empty trucks returning to the plant would exit Magic Mountain Parkway, make a right turn on the road, and left into the plant. None of these routes passes homes. And note the brine concentration not only reduces the number of truckloads per day but also increases the volume of treated water available to the community by about 300,000 gallons per day.

As I mentioned, brine would be trucked to an existing industrial site. The currently proposed site is the Joint Water

Pollution Control Plant in Carson, which treats waste water from 73 cities in the Los Angeles area and discharges to the ocean. There's a closer view of the Joint Water Pollution Control Plant or JWPCP. The inbound and outbound routes again are shown in green and yellow. The site is proposed for several reasons.

The joint plant contains authorized disposal stations for truck waste water such that no construction would be needed to accept Santa Clarita's brine. Moreover, the haul route from the freeway to the plant is less than one mile in an industrial area and also does not pass any homes. The construction cost of the modified compliant project is similar to the originally approved project. However, the modified project would have higher annual operating cost. As a result, the service charge rates that are currently approved through June of 2020 are expected to be sufficient to construct and start up the modified compliance project.

The timing and size of any rate increases beyond 2020 depend on a variety of circumstances, including inflation and our ability to obtain more grant funding. Today we have received 7 and a half million in grants and will pursue more, including the recent prop form, Water Bond Funding. Per state law, an environmental analysis begins with an initial study in which potential impacts are considered for 17 resource areas, which is noise, traffic, air quality, biology. And the initial study helps identify areas that need further analysis in the

environmental impact report. And of those 17 resource areas, only the three listed here required analysis in the focused Supplemental EIR.

The Draft Supplemental EIR concludes that the modified compliance project would not result in any significant environmental impacts. State law requires a specific process for EIRs and SEIRs which is illustrated on this slide. And includes ample opportunity for public comment including information meetings and hearings such as this.

The Draft SEIR was released to the public on November 17th and is available for public review until early January. All comments submitted during the public review period will be incorporated into the Final Supplemental EIR. The Santa Clarita board is expected to hold a public hearing in early spring of 2016 to consider whether to certify the EIR and to approve the modified compliance project.

We do welcome your input. This slide shows the various ways that you can contact us with questions or comments. You can also find more information on the project by visiting our website. And thank you very much for your attention.

MR. STEVEN HIGHTER: I noticed at least one person taking pictures of the slides as they're being shown, and I wanted to tell everybody that they will be made available on our website shown here WWW.LACSD.ORG by tomorrow.

We are now ready to begin receiving public comment on the

Draft Supplemental EIR. You'll be called to the podium in the order that we received your speaker cards. When you begin to speak, would you please state and spell your name and identify your affiliation. Each speaker will be given no more than five minutes to provide oral comments. If you do have additional oral testimony, you may fill out another speaker card and return to the podium after we go through the first round of cards.

Please note that responses will not be provided at tonight's hearing but will instead be prepared in writing and incorporated into the Final Supplemental EIR along with your comments. The first speaker card I have tonight is for Alan Ferdman.

MR. ALAN FERDMAN: Good evening. My name is Alan Ferdman and I'm the Chair of the Canyon Country Advisory Committee. I'm really glad to see the death of deep well injections. We know that there's a lot of individuals specifically west of the freeway that are going to be very happy, and I think that's really a good thing.

There was a couple of things when I read the EIR that I was curious about, and that is when we start using what I call "hedge words." So I noticed that it said that brine would be transported with limited trucking. I don't know what "limited" means. I know what trucking is. And then I see that the cost is going to be similar. I know it's going to be all paid in dollars, but how much more is similar than the other -- the

P4-1

P4-2

other cost?

So for those kinds of things, I would hope that you would be more specific in giving us the information. The other part is there was deep concern about the agreement that our sanitation district has and of course the -- the sanitation district staff signed off on that as well. With the Newhall Ranch Project and the discussion about a satellite RO plant. Now we talked about this the last time, and it was -- we were told that that plant would probably be required before our big plant is in operation.

But now with the -- the lawsuit and the decision by the court, I'm sure that's not going happen. So we're also concerned. We know that we've been told by the supervisor's office that they will no longer use deep well injection as well. However, we want to go make sure that that is somewhere in writing and that that agreement between the sanitation -- our San District and Newhall Ranch District is modified to make sure that doesn't happen.

Also there's environmental concerns with the construction of a satellite plant as well -- the plant we're building is capable of handling all of the waste water coming through our plant including the 6,000 gallons. And so I'm wondering if we could as well negotiate the obtaining the cost that would have been associated with building that plant and use that to offset the plant cost of building our plant. So with that, I would

hope that we come up with some answers and again we are really happy to see deep well injection not being discussed any longer. F-E-R-D-M-A-N.

MR. STEVEN HIGHTER: Thank you, Mr. Ferdman. The next speaker will be Steve Hanauer.

MR. STEVE HANAUER: Very good. Thank you. Steve Hanauer H-A-N-A-U-E-R. I had a long talk with Bryan prior on being here and happily he answered all my questions, all my concerns. I don't like the whole thing of course but most people don't. However, the way he explained it and -- and the applications, I'm very satisfied. So thank you.

MR. STEVEN HIGHTER: Thank you, Mr. Hanauer. Next speaker card belongs to Allan Cameron.

MR. ALLAN CAMERON: With your kind permission, if I could testify from this chair. I have a lower back problem that reminds me of mortality.

MR. STEVEN HIGHTER: Absolutely.

MR. ALLAN CAMERON: So if you don't mind, I'll be seated during these comments. Thank you for that.

In the environmental document more discussions since it tiers off of the approved document from May -- from November 2, 2013, there needs to be a more careful discussion of the mitigation for the sticklebacks become takings. If it weren't associated with the underlying document certified in November of '13, then it would not be necessary, but because it is

associated with the other EIR, it does need to be included. Mr. Ferdman touched on a very significant issue that also needs further clarification. On your map of your service area, you show the areas that are incorporated currently within the jurisdiction of Santa Clarita Valley Sanitation District.

But the 12,000 acre Newhall Ranch project which has an uncertain fate awaiting it, has a contract with the sanitation district to process thousands of gallons per day of sewage for protracted period of time. So the processing of their brine component needs to be carefully delineated. And then I have a question which I would love to see answered in response. I'm not sure -- I know the sanitation district have a whole of Los Angeles County has a very small contracts with two or three or ten homes that are not in their jurisdiction to process sewage.

My precise question is how many other contracts among the sanitation district for Los Angeles County are there for thousands and thousands of gallons per day being processed even though they are not within the legal jurisdiction of the sanitation district? That is a significant environmental effect because so many things are dependant upon the adequacy of the environmental study of Newhall Ranch generating this material to your document -- to your plant that just the entire relationship between Newhall Ranch and the sanitation district. Since it's not in your sanitation district, needs further clarification.

The next issue is the use of reclaimed water in the upper

Santa Clarita Valley area. There are approved general plans for 500,000 residents in Santa Clarita for both the city and the county that state that the incredible unmet needs for water, will be supplied through the use of reclaimed water.

But as of today, there is no delivery system in place. As of today, there is no water whatsoever that is reclaimed that goes from the sanitation districts treatment plants to the upper Santa Clara River area where wells serve water for the new water district went dry and remained dry because of the drought. So to conclude on that issue, please discuss with some degree specificity how reclaimed water from this system is going to reach the upper Santa Clara River service area since a -- certified EIRs aren't doing that, identify that water as being a component of the growth of the entire valley from 250,000 to over 500,000 people.

In reference to the fine, it would probably be helpful to probably use it mandated under law, but it will be helpful to add that the $225,000 fine that is referenced on numerable cases by the district was not administratively appealed by the sanitation district. It was agreed to at the staff level and brought to the Regional Water Quality Control Board as an accomplished issue. The Regional Water Quality Control Board is presented with no evidence, no contradictory information.

The district just paid the taxpayers dollars at the administrative appeal -- never took it to the multiple steps

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available to it before we've paid. Also it will be helpful for the EIR to reflect that in the history of California -- in the entire history of California the Regional Water Quality Control Board has never, ever assumed responsibility for another government agency based on inability to comply with an environmental concern.

I'll repeat that because it needs to be mentioned in the EIR because there's always this talk. If we don't do this, somehow, someone else will. We'll be paying a lot of fines. In addition to the fines, we'll have to pay for the cost of the plant; so let's just give up and pay the money and do this. But I think you need to tell the truth to the world and to the rate payers that in the history of California thousands of agencies that have discharge permits, none, not a one, has ever been taken over completely and operated by the State of California and that includes Los Osos, California.

The next -- the next issue that's really significant is you showed a photograph of three conditions of water. Sewage treatment as it exists today, clean water, and the other third glass saying brine water. The directors of the sanitation district have been showing tiny vials the size of a -- less than a size of a whiskey shot glass or prescription drug vial that you might obtain from a pharmacy -- saying that the result of the reverse osmosis treatment plant would not be water, as you showed it, but that it will be this tiny solid powder remnant.

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That's, again, the directors of your district have been doing that on multiple occasions in public hearing settings. You need to clarify exactly what the remnant is going to be at the end of treatment plant because you're having directors saying one thing and you hear at the level of the staff for EIR are saying something radically different. But an additional correctional in the same lines would be what is the volume difference between the concentrated dry powder, the directors are showing, and the vial of colored water that you show here in this evening --

MR. STEVEN HIGHTER: Excuse me, Mr Cameron. Your five minutes are well up. Can I go ahead and let someone else speak and circle back --

MR. ALLAN CAMERON: Sure. Thank you.

MR. STEVEN HIGHTER: Thank you. Next speaker tonight is Cam Noltemeyer.

MS. CAM NOLTEMEYER: Cam Noltemeyer speaking for the Santa Clarita Organization For Planning and the Environment. We have concerns with the recent addendum to the 2015 Santa Clarita Valley Joint Sewage System Facility Plan and Final Environmental Impact Report that was added at a meeting on December 2nd of -- this special meeting on December 2nd of the Santa Clarita Valley Sanitation District Board.

Now, this is an addendum to the 2015 plan and EIR approved in January of 1998. Now, bear that in mind, this was approved

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in 1998, and they're going back and saying "Oh, we're going to amend this. We're really not making any changes that will affect the environment." If you don't know, you know that there has been a Supreme Court decision based on Newhall Ranch that vacated their environmental report. And one of the things, big things, was greenhouse gas.

So it's very interesting that on this proposal -- and I have an actual copy of the agenda, which says it's for future development, and I have an actual copy of the addendum -- that says, "Really no environmental effects by this." We have to question that. We're particularly concerned about the greenhouse gas emissions, and they're saying, No, no, even though they're increasing their trucks from 7 to approximately 30, during this construction that they're talking about. So they're saying "No, it won't affect it."

Problem being that in the 2015 plan greenhouse gases weren't even discussed by CEQA. We're in the CEQA document. So how can they say it won't, when it wasn't even discussed in there? It seems to be kind of an end run around what is now required. And we're looking at, for the time it's going to take to build this, unfortunately they did not provide with this -- this is all that was provided (Indicating.), and I was the only one in attendance at that meeting. And there were only two people there and the Supervisor Antonovich and Councilwoman Laurene Weste from the City of Santa Clarita.

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Now, we have a number of concerns about this just being a nice little addendum that approaches it in that way by saying there's no effect just because it wasn't considered back in 1998. Even though there's a decision about greenhouse gases on this where they were supposed to come back for the environmental report. How can they go and be amending this now? It really concerns us considerably. This type of action being taken after a major decision coming down.

And the other thing is the reason why they had to do this is they're increasing by 15,000 cubic yards of soil imported. More imported soil is required for grading than provided previously in the 2015 plan. So why were they doing this now at a special meeting? It's very concerning to us because where are you putting this extension? And they conveniently didn't provide any maps. Going into a conservation area along the river, it takes it right up there on -- at least on the maps you've were shown here.

So we have concerns about that conservation area. Mainly because the first thing you did with the deep injection wells was to put it in a conservation area. Deep injection wells in a conservation area. That was caught by SCOPE, Santa Clarita Organization For Planning and the Environment, and it was moved just down farther 800 feet, and then of course that erupted when they -- suddenly the community became aware of where those deep injection wells were going. Again, because you conveniently

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said "Oh, it looks like they're just going down this way." And we had to actually do a public records act to get the maps that showed, no, they're going out like this, like a hand, underneath these people's homes.

Now they're saying no -- no deep injection wells. We have not seen that in writing. And we know that there's still disagreement to serve 6,000 homes of Newhall Land and Farming who have also an agreement that is supposed to be putting a facility to serve those 6,000. And that facility, which is supposed to be right next to the Valencia plant, calls for deep injection wells.

Now, you can say no deep injection wells because we know things are backed off for a while, but unless it's in writing, it doesn't exist. So we need something in writing saying that they are not going to do injection wells there because we've looked at the maps. They would go up underneath homes, and they have said "We will not allow this to happen again where they'll go under homes." And Newhall Ranch -- they're two facilities that they're going to have call for deep injection wells and all of course -- all of those would be under homes, more than likely. Because basically that is a residential development.

So we're concerned about the lack of credibility that we're seeing and how this is being done, and we're concerned that we have a -- am I way over my time?

MR. STEVEN HIGHTER: Yes, you are actually. Go ahead and

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wrap it up and then you can come back and around.

MS. CAM NOLTEMEYER: Okay. The other thing we're very concerned about is that what is going on now with Porter Ranch, with Oak Mountain, and the gas reserve in Southern California gas. We have that same thing in our area. We have it right over there. The other side of Newhall there by Southern Gas and it is a -- a reserve for natural gas, and you can drive up there and you can smell the natural gas now. We just did it the other day, my husband and I. And if -- they don't want you to go up there but -- so I will come back later. Thank you

MR. STEVEN HIGHTER: Okay. Thank you. Next comment card is for Steve Petzold.

MR. STEVE PETZOLD: Good evening. Thank you for coming out to Santa Clarita tonight. I'm rather disappointed that we don't see the representatives from our city here that sit on the sanitation board, but nonetheless, I had some questions about this program.

I'm not necessarily opposed to the deep well injection. I felt like it was wrong to short circuit the last environmental impact job statement process before it was completed. I thought that it should have been brought to completion so that the technical answers to the concerns brought by the minority of people in Stevenson Ranch that are part of the sanitation district could have been addressed directly, that being the earthquake potential and the siting of the deep well injections.

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So I would like to know how many gallons of brine will each truck be carrying? I'm assuming that it would be possible -- now we have a much lower amount of brine being created by the process that you're going through. I was wondering whether it were possible to deep well inject that and whether that would be more cost effective than trucking this down to the Carson outfall.

I had a question regarding the impact that this will have on the mobile home and manufactured homes parks here in Santa Clarita. A lot of senior citizens reside in these parks, and they brought up concerns about the increase in rent and leases, and I don't know whether that's already been factored into the cost adjustments that are being made there. I had a question about why not the LA plant that is down there off of the 40 -- I guess, it's what? The 5?

MR. ALLAN CAMERON: The big LA plant?

MR. STEVE PETZOLD: Yeah. I mean why is it --

MR. ALLAN CAMERON: (Inaudible response.)

MR. STEVE PETZOLD: Not -- you know down below the --

MR. ALLAN CAMERON: In Encino?

MR. STEVE PETZOLD: No. No --

DISTRICT STAFF MEMBER: By the 405 and the 101.

MR. STEVE PETZOLD: Isn't there one over by the --

MR. ALLAN CAMERON: (Inaudible response.)

MR. STEVE PETZOLD: Okay. As I understand it, some people

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truck to Burbank. Is that right? Quite honestly I don't understand why if the solution was down in Burbank, and I'm -- didn't we have that solution on the table in 2013? Why wasn't that listed as an alternative? If we had this way of making a super concentrated brine and they're already using that down in Burbank and I understand that they truck their brine down to a Los Angeles sanitation plant.

I guess that's my question is why wasn't that given to us as a proposal back in 2013? I don't know whether a cost benefit analysis has ever been done for this project relative to, you know, what is the benefit of spending $140 million to us here in Santa Clarita -- and I'm picking the 140 just because it came to my mind. So what was the -- I guess -- and I want to go on record saying that I oppose the chloride minimum daily load mandate which was given us to the state and I'll also go on record saying I don't know why this is an artificial deadline.

I mean, the deadline was completed when we were talking about deep well injection. So we're trying -- you know, my mother always said "haste makes waste" and why are we stuck on a deadline that was created with a process which was ended because the citizens objected to it, and the sanitation district decided that it was in the best interest of the district not to go forward to it? So with that, I'll wind up my comments, and I thank you again for coming out tonight.

MR. STEVEN HIGHTER: Thank you, Mr. Petzold.

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Mr. Cameron, I'll save you the trouble of walking to the back table and filling out another form. I know that you --

MR. ALLAN CAMERON: I have it.

MR. STEVEN HIGHTER: -- had a few more comments -- did you? Oh, great. Thank you. I'll take your form --

MR. ALLAN CAMERON: I like immaculate paperwork. There's two in case I get incredibly verbose. And thank you for allowing me to concede my hopefully temporary disability --

DISTRICT STAFF MEMBER: Can you use the mic, please.

MR. ALLAN CAMERON: Oh, yes, thank you. The assumption that the underlying environmental impact report will be a valid basis for this environmental document is hazardous. There's currently litigation pending in the courts of California. A trial date for resolution of the discussion of the adequacy of this November 2013 EIR is currently set for the 23rd of February of this year.

As far as I know from being a supporter of the formal clean water alliance, there's no settlement in the cards between Aqua and the sanitation district; so the trial will go forward. And there is a lot of speculation in this presentation about funding. "We're going to apply for this grant. We think we might get it. There's this much grant money available," you think you might get a portion of it. "So the numbers we're telling you are going to be what you pay or actually the worst case because maybe the funding Gods will smile upon us and we

will receive this finding."

The same kind of caution is appropriate here on the outcome of the trial litigation set for November 23rd. The sanitation district's environmental documents has a probability of difficult to measure of being found legally deficient and set aside and made invalid. There's never been mention of that anywhere including the presentation here this evening.

The public needs to understand that all this timeline discussion is a house of cards that may be totally disrupted depending on the outcome of this trial. It won't end on the 23rd of February. There are, of course, appeal opportunities to the California State Court of Appeals and to the California Supreme Court, which the losing party unquestionably will resort to and they may or may not be the sanitation district.

The point being that disclosure about these additional timeline variations is highly appropriate since your tiering this EIR on an EIR that is subject to legal challenge as we speak. I mentioned earlier that, I believe that the general plans for Santa Clarita Valley indicated major use of reclaimed water to meet their requirements and that no recirculated or recycled water is shown anywhere in the sanitation districts documents with precision as being made availability to the Eastern portion of the service area.

Something about how and when that water is going to be made available to satisfy the certified EIR is mandatory. The EIR

mentioned that in this EIR, subject of this evening's hearing, mentioned that the highest ranked alternative was selected for this environmental document. It is true that alternative 2 in this EIR is the other one that was being sued. Selected alternative 2 but that was not in the EIR the highest ranked alternative at all.

Alternative 4 until the actual evening of the hearing from the whole chloride compliance project was being promoted, supported, and was listed in the staff report that night as being the alternative that was recommended. The people in the room were scrambling to change their testimony because they were there in support of alternative 4. It was announced verbally that alternative 2 was selected. This EIR does not mention the last minute change between alternative 4 to alternative 2. It just says with the highest rank. That's not accurate. The highest rank in the environmental process for the original environmental argument indicated an alternative 4. It's not an accurate statement. Alternative 4 is the highest rank.

There is mention of use of the diverted water, but there's no destination for it. It sort of ties in with what I mentioned earlier, there is no service of reclaimed water for the eastern portion of the Santa Clarita Valley listed or mentioned. Equally, the diverted water is not mentioned as to where it's going to go. There's an environmental impact for diverting that water from the river. There's an environmental impact for

spreading it and diverting it any portion of the service area. There's an environmental impact as much as you just (inaudible response.) and that needs to be touched with specificity.

As I mentioned, there is this conflict between what the directors of this district are doing, showing all the tiny vials that looks like baking soda or powder with the thing you showed tonight, water, with some salt in it. And there's been mention again by the directors that this is essentially an appropriation of a successful use in Burbank.

Mr. Petzold touched on a really fine requirement. When -- since the Burbank system is being referenced, when did the Burbank system come online? When was it planned? But most importantly when did it actually begin to produce that powder the directors are showing as being what your system is going to produce because that then leads a real legitimate question if it really is just little vials of powder why was that discarded in the original environmental study?

The timeline for compliance, again, is July date 2019. In the original EIR it's the subject of the ACWA litigation, multiple alternatives were suggested instead of what was proposed by the district. All of them were discarded. The ones that were sensible and reasonable because, in fact, your own comments would say the suggestion of say Mr. Ferdman, a really outstanding plan to divert the water upstream. Mr. Ferdman's plan is superb and appropriate in every characteristic, but a

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single one, we can't implement it by July of 2015. So his whole concept was discarded by further analysis --

MR. STEVEN HIGHTER: Mr. Cameron --

MR. ALLAN CAMERON: Yes?

MR. STEVEN HIGHTER: Can we go onto the next speaker and then come back to you?

MR. ALLAN CAMERON: You may.

MR. STEVEN HIGHTER: Thank you. Cam Noltemeyer.

MS. CAM NOLTEMEYER: Cam Noltemeyer for the Santa Clarita Organization For Planning and the Environment. Just a couple of other items. The big question should be asked why an addendum to this for the -- why didn't they do an addendum to the EIR representing quite this evening? Why did they go back and base it on something that was done in 1998? When it was air quality? Increase in traffic.

They don't want to address because they're saying this will be -- all these projects will be coming in after this. They're not addressing it. Because they're going back to 1998. So it should have been added to this. Traffic and grading is for protection from flooding -- protection of flooding of the Santa Clara River to permit grading behind the retaining wall to create space for future facilities -- future facilities.

And they're jumping back to 1998 to address them environmentally. There is something very, very wrong with what is going on there. They're importing, I think I said it, 15,000

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cubic yards of soil. No source of that imported soil was provided in this addendum.

Where are they going to get the soil? They should be able to say that in an EIR. That should be required in an EIR. We have a lot of contaminated places out there. In fact, we have 900 acres in the middle of our city that's contaminated acres. I know they would probably like to get rid of a lot of soil. So nothing in there that I could find -- and I do have a copy of this for you. The actual meeting and the addendum.

So the other thing and I believe someone else was touching on it is the fact that what about the chloride limit? I was at a salt and nutrient meeting and now the state has changed the way they're looking at the areas for the limits. Not from projects like Newhall Ranch, Vista Ranch. They're changing it and I think I see heads nodding, yes, you know about it. That is going to be a big game changer in what's going on here.

Because the areas that I see that -- that, we, personally in this area are linked to and go all the way up into Ventura County which has a 150 limit. 150 limit. I have the Oxnard bank that shows that and that -- that isn't like "Oh, if we keep it away from the crops." No. It can actually touch the crops like your strawberries and here we're being held to 100 parts per liter limit. And wait a minute all of a sudden I just went to this and the cut-off time is short on that response.

The lady was there from the state, and they're really

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moving on this. Well, what is going to happen, and when I talk to some of their staff there, I was appalled at the reasoning they were giving. So it will have to be addressed that we have two big projects -- Valencia -- Vista -- Vista Ranch is saying they're going to do their own treatment plants, but they're only going to do part of it, and then they want the city to take it over.

And then, of course, we have Newhall Ranch. We know how that's being handled. So I think that the state is going to be changing how we're looking at this all the way down. And I think everybody should back up a little bit and find out where things are going with the state instead of just our Regional Water Board and our Santa Clarita Valley Sanitation District. Because with the change in the mayor now, we're going to have a different person coming and sitting on that board. So things could get very interesting here in this area. Am I over?

MR. STEVEN HIGHTER: Your --

MS. CAM NOLTEMEYER: Almost? But we still have very, very big concerns about what appears to be just an end run. I've got to get this approved and then years later they'll come and say "Okay. Now we'll show what we're doing." There's too much grading going to be going on in that river, and it's a conservation area. You lost your credibility. Thank you.

MR. STEVEN HIGHTER: Thank you. Mr. Cameron.

MR. ALLAN CAMERON: Thank you. Thank you very, very much

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for this extraordinary courtesy and consideration about this Valley issue. The environmental document -- there's a summary of all the activity the district has engaged in to create an equitable chloride limit for Santa Clarita Valley discharge. Some mention is probably not a CEQA requirement, but it would provide genuine good service to the district -- district's customers.

The district made an attempt to have the California commission on mandates assume financial responsibility for this entire project based on the concept that it was an unfunded mandate. The district chose to ask the mandate commission to authorize funding for the alternative water management plan which was a project which was never approved by any of the agencies. That resulted in the denial at the administrative level by the mandate commission of the district's request for funding.

It is my understanding that the district is something that customers urged which was to take that statement and denial and bring it into state court to seek justice. It's my understanding that the district unfortunately lost the litigation in which it engaged. I think it's appropriate for the district to disclose to the rate payers who were the funding source for all of this activity of the, you know, the concept behind the litigation to seek the state funding and maybe as it exhibits in the environmental documents show the actual

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pleadings, the lawsuit itself, the response from the state commission on mandates, the verdict from California State Superior Court.

It would be a good information document for the rate payers who paid for it to have. You could evade that because it's not a state CEQA requirement, but it would be good public policy for you to follow that. I mentioned the destination to the diverted water. Please take that seriously and disclose the destination for the diverted water to this plant. I was mentioning before, the Burbank plant, it's supposedly been in operation for a number of years.

The question is if it was an operation for several years and if it was in operation at the time of the certification of the underlying EIR in November of 2013, why was the intents little vial of powder that's been displayed by the district directors why in 2013 was that system just discarded as an alternative? A spill treatment protocol, if there's any liquid or even a powder for that matter, you need to have a spill treatment protocol listed in the environmental effect of contending with such a protocol.

When you say that brine is not toxic, that's a debatable assertion. If there's a thick brine concentration and any animal consumes some of it, it will result in a fatality. If heavy amounts of brine end up in a storm drain, go to local streams, it will affect the flora and fauna and need to have

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that whole issue fully disclosed with the EIR. The timeline compliance issue I mentioned earlier, but it should be refined.

You need to mention that there's a lot of vague possibility for forks on the road, certainly regarding the underlying EIRs. Their are other ones as well. You were talking about financing. You're dependant on fees being paid, for some of that Newhall Ranch was going to pay for the process of all the sewage from the 6,000 houses. Please disclose of that financing source was part of the financing program that you were contemplating for building the treatment plan. If it was, please disclose how much and then make some kind of assessment as to the fact that funding source now appears to be uncertain at best.

Quick question. Where are you going to hold the EIR certification hearing? There's a legal requirement that you do it in Santa Clarita but will you do it in Santa Clarita? Just have that disclosed. A finding of overriding consideration of public benefits is listed in the first EIR. That's under legal challenge. You need to further refine what you think the overriding consideration statement might be for this project.

I was mentioning also that in terms of Mr. Ferdman's proposal is supported by quite a few of the people in the community regarding diverting the treated sewage water upstream. In fact it was named the "Boylston Ferry Ferdman Plan" because it had formality analysis. It was dismissed for a single reason. The dismissal reason was we can't do that by July of

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2015. However, within just a matter about three months, the district went to the Regional Water Quality Control Board, and I was present when it occurred and without any particular difficulty with the complete support of Sam Unger the Executive Director of the Los Angeles Regional Water Control Board, the deadline was moved from July of 2015 to July of 2019 with no problem.

So since the district complies with carefully orchestrated requests of this sanitation district assessed the possibility of the fact that maybe this -- these other discarded alternatives should be looked at again maybe in this EIR because you now have a longer period of time. The joint processing plant that you mentioned where the destination of the treated brine is going to go, there needs to be an assessment in the effects of the environment exception -- excepted what happens to the discharge of that plant. How does that -- how does it affect the -- the condition of the water as it comes to the ocean.

Contrary to the idea that you just dump brine into the ocean and everything is fine. The brine concentration in the vicinity of the outfall is exceeding the natural conditions that the animals and plants of the ocean experience. There needs to be some recognition more significantly, and now will this addition of that amount of brine damage the -- the ocean flora and fauna, the ocean environment and habitat, immediately offshore, near the outfall from this particular plant. I'm

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nearly concluded here.

Oh, Ms. Noltemeyer's comment on the borrow site. That is very -- this the standard in EIR. You're going to borrow soil somewhere and you're doing an environmental analysis, you need to show where the soil is coming from; how it's going to get from the site that's borrowed to the site that's accepting it. The effect on traffic has to be delineated carefully. The effect on air quality from the gas that's been produced by the trucks needs to be mentioned. The effect of the removal of borrowed soil from its original source needs to be analyzed.

You may have thought you can get the soil from Newhall Ranch because they'll have a lot of soil available if they ever rebuild that project, but their project has now been placed in limbo for a period of time. It's difficult to calculate. So in conclusion -- can I hear the sound of applause. (Applause)

Thank you. I appreciate that. This is touching upon issues that will be in the written testimony, and I truly want to thank the district for having this meeting and allowing this kind of expanded verbal submission. It's exceptional, and it's up worthy and should set the standard for other agencies, and I thank you for it.

MR. STEVEN HIGHTER: You're welcome and thank you. Mr. Kang, are there any more speaker cards?

MR. PHIL KANG: No.

MR. STEVEN HIGHTER: Seeing that there are none, I would

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like to thank you all for participating in tonight's hearing. Your input is a very important part of the planning process and is greatly appreciated.

So what happens next? Well, there's going to be another public hearing very similar to this one next week on the 16th. It's going to be at the Stevenson Ranch High School. It will --

DISTRICT STAFF MEMBER: Elementary.

MR. STEVEN HIGHTER: Elementary. Thank you for that. Stevenson Ranch Elementary School. It'll be an open house for an hour starting at 6:30, and then we'll have the brief presentation that you saw tonight followed by more opportunity to provide oral comment. The comment period for the Draft Supplemental EIR will remain open until January 8th. So there are additional opportunities to provide comments after tonight's hearing.

You may submit your comments in writing, either by sending a comment form, a comment letter, or an e-mail to Bryan Langpap. All the contact information is up on the screen. The Final Supplemental EIR is scheduled to be considered for approval by the board of directors in the Spring.

Once the Final Supplemental EIR has been completed, a notice will be sent out to everyone who's on our mailing list to confirm the date and location of the board meeting. If you included your e-mail address when you signed in tonight, that's a good way of ensuring that you will be on that mailing list and

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will be notified. The Final Supplemental EIR will be posted on the districts' website, and the website is up there as well. Thank you once again for your participation and have a very good night.

(The proceedings concluded at 8:31 p.m.)

Response to Comment P4-1 (Alan Ferdman)

The commenter supports the change from deep well injection (DWI) as the brine disposal method.

The Santa Clarita Valley Sanitation District (SCVSD) appreciates input from the public and interested parties on the Draft Supplemental EIR. This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P4-2 (Alan Ferdman)

The commenter requests more specificity regarding the terms "limited trucking" and "similar costs".

As discussed in Section 2.4, limited trucking is an average of 6 truckloads per day (10 maximum) during off-peak hours. The projected capital cost of the revised project is shown in Table 6-1 as $129 million (2015$), which is comparable to the $130 million (2012$) for the project approved in the Certified EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P4-3 (Alan Ferdman)

The commenter expressed concern about the existing agreement for SCVSD to treat wastewater from Newhall Ranch project because the current lawsuit renders this project uncertain.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. However, the agreement for the SCVSD to provide temporary treatment to Newhall Ranch would make available unused wastewater treatment capacity at the Valencia WRP. Thus, this treatment would not require SCVSD construction of new facilities or modifications to the proposed chloride compliance project. The agreement would require payment of connection fees and services charges like other users of the Valencia WRP.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P4-4 (Alan Ferdman)

The commenter requested a written commitment from the County Supervisor's office to prohibit DWI for Newhall Ranch development.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P4-5 (Alan Ferdman)

The commenter wants the SCVSD agreement with Newhall Ranch modified to prohibit DWI.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P4-6 (Alan Ferdman)

The comment asks about the potential for Newhall to finance some of the SCVSD chloride compliance facilities in lieu of building their own satellite treatment plant.

The commenter appears to be referring to a chloride removal facility called a "demineralization facility" that is to be built near the Valencia WRP to remove chloride from the portion of Newhall Ranch sewage treated at the Valencia WRP. At this time, the feasibility and desirability of this option are unknown. However, SCVSD removal of chloride from Newhall Ranch wastewater would not change the SCVSD's proposed chloride compliance project or its potential environmental impacts. Thus, no revisions to the Draft Supplemental EIR are required in response to this comment. The SCVSD will continue to discuss this issue with the Newhall Ranch developer. If this approach is found to be feasible and beneficial to the SCVSD, any additional CEQA would be completed before implementation of this approach.

Response to Comment P5-1 (Steve Hanauer)

The commenter stated that he does not like the project but thanked staff for patiently and thoroughly answering his questions.

The Santa Clarita Valley Sanitation District (SCVSD) appreciates input from the public and interested parties on the Draft Supplemental EIR. This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-1 (Allan Cameron)

The commenter suggested that this Supplemental EIR tiers from the 2013 Certified EIR, which should have more carefully addressed the stickleback taking/mitigation issue that helped invalidate Newhall Ranch EIR.

This comment suggests that the chloride compliance EIR is inadequate because of an issue regarding the unarmored threespine stickleback.

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water." This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Sections 2.3 and 2.4 have been revised to reflect the change in recommended project.

Response to Comment P6-2 (Allan Cameron)

The comment states that the Newhall Ranch has a contract with SCVSD to process Newhall Ranch wastewater for a protracted period of time and that, because the fate of the Newhall Ranch project is uncertain, the SCVSD needs to carefully review the processing of Newhall Ranch brine.

The commenter's point is not clear. Newhall Ranch Sanitation District's method of brine management does not impact the Santa Clarita Valley Sanitation District's chloride compliance efforts. If the Newhall Ranch project proceeds, it will have its own Newhall Ranch Water Reclamation Plant (NRWRP) to treat Newhall Ranch wastewater. The Newhall Land contract with the SCVSD provides for temporary treatment of Newhall Ranch wastewater at the VWRP, which addresses practical engineering considerations such as the need to build up an adequate and steady flow of wastewater before startup of the NRWRP. For more information on this potential temporary treatment, see Response to Comment P4-3.

See Response to Comment P4-6 regarding the SCVSD providing the services that are currently planned to be provided by the Newhall Ranch demineralization facility and the lack of impacts to the chloride compliance project if the SCVSD were to temporarily provide such services.
No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-3 (Allan Cameron)

The commenter requests information about existing LACSD contracts to treat wastewater from outside the District. The commenter then asserts that accepting wastewater from outside a service area is a significant environmental effect which has dependency on the Newhall Ranch environmental study.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the Sanitation Districts have ongoing contracts with the City of Los Angeles and Orange County Sanitation Districts to treat their wastewater.

The challenges to the Newhall Ranch CEQA analysis have nothing to do with wastewater collection or treatment, nor the short-term treatment by SCVSD of Newhall Ranch wastewater. As noted in Response to Comment P4-3, SCVSD treatment of Newhall Ranch wastewater would not require construction of new SCVSD facilities or modifications to the proposed chloride compliance project. Newhall Ranch wastewater is not expected to be any stronger than Santa Clarita Valley wastewater and would need to meet the SCVSD Wastewater Ordinance, so there would be no water quality impact. Overall, there is no connection between the SCVSD Supplemental EIR and the Newhall Ranch environmental analyses as the commenter suggests.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-4 (Allan Cameron)

The commenter requested that the Supplemental EIR discuss delivery of reclaimed water and identify the water as a component of SCV growth.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the SCVSD's role is to provide treated water at

its plant to a water purveyor who pumps the water through their recycled water system to end users. Thus, where recycled water will be served and the facilities that are required to provide that service are not only beyond the scope of the Supplemental EIR, they are beyond the purview of the SCVSD. The water purveyor serving the recycled water would complete CEQA analysis covering potential impacts of delivery and end use once the purveyor is ready to pursue a specific project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-5 (Allan Cameron)

The commenter alleges that the previous $225,000 fine imposed on SCVSD was never administratively appealed to the Regional Board.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Nevertheless, Section 6.4.4 of the Certified EIR states: "In November 2012, the RWQCB-LA issued an administrative civil liability complaint to the SCVSD seeking a fine of $280,250 for failure to complete a Facilities Plan and EIR in 2011. In March of 2013, the SCVSD reached a settlement with the RWQCB-LA that reduced the fine to $225,000."

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-6 (Allan Cameron)

The commenter states that the State of California has never taken over and assumed operation of a government entity (including Los Osos) for environmental non-compliance and that this should be mentioned in the Supplemental EIR.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the Certified EIR mentions Los Osos on pages ES-2 and 3 of the Executive Summary. In 2006, California Assembly Bill 2701 was enacted which transferred control of Los Osos compliance project from the local Community Services District to the County largely due to decision by the Community Services District to not implement a compliance project, which led to large fines and the Community Services District filing for bankruptcy.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-7 (Allan Cameron)

The commenter requested an explanation for perceived discrepancy where SCVSD staff presents a liquid as the final waste product while a SCVSD Director implied that powder in a small vial would be the end product.

The SCVSD has evaluated both concentrated brine (liquid) and solid crystals as end products as described in Section 6.6 of the Supplemental EIR and staff is recommending the alternative involving concentrated brine that would involve 33,000 gallons per day on average as described in Section 2.4.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-8 (Allan Cameron)

The commenter asked for volume difference between concentrated liquid brine and solid salt crystals.

As noted in Section 2.4, the proposed project involving concentrated brine would require an average of 6 truckloads per day. Crystallized solids would require an average of 0.7 truckloads per day as described in Sections 6.5.7 and 6.6.1.3. However, due to the much longer distance that crystallized solids would need to be trucked and the greater energy required to reduce brine to solids, the option involving a crystallizer would require 20 percent more energy and that alternative would have higher capital and operating costs as shown in Table 6-1.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-9 (Allan Cameron)

The commenter noted the ongoing litigation over the adequacy of the Certified EIR, claims that there is "speculation" about project funding, and suggests that the Supplemental EIR should disclose the potential litigation outcomes and their impact on the project timeline.

See Response to Comments P2-1 and P2-2 regarding the litigation over the adequacy of the Certified EIR.

Comments about how the project will be financed do not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that service charge rates to pay for the chloride compliance project were adopted in 2014 as noted in Response to Comment P8-3. A variety of assumptions and forecasts must be made when estimating the costs of a project and determining the customer rates to pay those costs. The SCVSD made reasonable, conservative assumptions during this process, one of which is that the project would be financed by low-interest State Revolving Fund (SRF) loans and by grants that had already been awarded at the time of the rate estimate. Assuming use of SRF loans is not "speculative" as this is common practice and SCVSD inquiries with the agency that disburses such loans have been positive to date. Any grants secured going forward would lower the rate impact to SCVSD customers.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-10 (Allan Cameron)

The commenter states that the Supplemental EIR does not disclose the location of recycled use site including the eastern portion of the service area.

See Response to Comment P6-4.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-11 (Allan Cameron)

The commenter states that highest ranked alternative in the Certified EIR was not actually selected and was changed to a different alternative on the evening of the hearing where the Board considered formal approval.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the Certified EIR contained four final alternatives, all of which were given an equal amount of analysis technically and environmentally. As noted in Section 6.7.3 of the Certified EIR, Alternative 4 was the top-ranked project and recommended by staff, while Alternative 2 was recommended as a backup alternative in case Alternative 4 did not receive the necessary regulatory approvals. A few days prior to the meeting where the SCVSD Board selected a compliance project, a letter was received from Ventura County stakeholders withdrawing their support for Alternative 4, support that was necessary for that alternative to get the needed regulatory approval. Thus, Alternative 4 became infeasible and the SCVSD Board selected the next highest-ranked alternative.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-12 (Allan Cameron)

The commenter references comments by the SCVSD directors about the production of brine crystals from the chloride compliance project and asks why the crystallizer technology used in the established Burbank plant was discarded in the original environmental study.

A crystallizer is an equipment system that can be used to decrease the volume of a waste stream to be disposed. Often, when coupled with an additional dewatering step such as a centrifuge or belt filter press, the resulting solids can be dry enough to be disposed of at a landfill. Such a process is more broadly described as Zero Liquid Discharge (ZLD). ZLD was evaluated as a brine disposal approach and discarded as discussed in Section 6.5.2 of the Certified EIR. When the deep well injection proposal was withdrawn in early 2015, the SCVSD reevaluated all options, including ZLD/crystallizer. The updated crystallizer evaluation is contained in Section 6.6 of the Supplemental EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-13 (Allan Cameron)

The commenter states that multiple alternatives were suggested by the community but were rejected because they could not meet the July 2015 Regional Board compliance deadline. The commenter suggests that these may now be viable given the extended deadline.

It is unclear which alternatives the commenter now believes to be viable. After the deep well injection proposal was withdrawn in early 2015, the SCVSD reevaluated all of its options with the understanding that the compliance deadline was being extended to July 2019 and that the Regional Board would not be receptive to another extension. No alternatives that were previously found to be infeasible became feasible due to the extended deadline.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-14 (Allan Cameron)

The commenter alludes to SCVSD's efforts to have the State assume financial responsibility for the project and suggests that documents related to those efforts be included in the Supplemental EIR.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. See Response to Comment P3-3.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-15 (Allan Cameron)

The commenter states that a spill treatment protocol must be specified and that brine may be toxic to plants and animals.

Concentrated brine is not expected to be classified as a toxic waste. As noted in Section 7 of the Initial Study for the Supplemental EIR, based on available data and the conservative assumption that the advanced treatment membranes would capture 100 percent of all compounds other than water, the projected brine composition would not exceed toxic levels as defined by the State of California per Title 22 of the California Code of Regulations Section 66261.24. Nonetheless, the SCVSD would implement design and operation features to avoid brine spills and contain spills should one occur. To clarify the SCVSD's intent to provide protection for brine spills as well as chemicals, the following text has been added to Section 2.4.

> "Further, the design of the loading station will include features to prevent brine spills from entering the Santa Clara River."

As with most operational procedures, a plan to prevent and manage spills would be developed after the design of the project but prior to beginning operations.

Response to Comment P6-16 (Allan Cameron)

The commenter states that financing for the chloride compliance project is dependent on fees paid from treatment of Newhall Ranch wastewater and requests disclosure of the portion of the project financed by such fees.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the SCVSD's financing plan for the chloride compliance project does not rely upon any fees from treatment of Newhall Ranch wastewater as the commenter claims.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-17 (Allan Cameron)

The commenter asked where the Final Supplemental EIR certification hearing will be held.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the meeting where the SCVSD Board of Directors will consider certification of the Supplemental EIR will be held at Santa Clarita City Hall at 6:00 p.m. on March 23, 2016.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-18 (Allan Cameron)

The commenter states that the SCVSD must refine the statement of overriding considerations because the Certified EIR has been legally challenged.

The legal challenge to the Certified EIR does not contain any claims that the Statement of Overriding Considerations was inadequate. Moreover, a Statement of Overriding Considerations is only required when a project is found to have an unavoidable significant impact on the environment. As discussed in "Summary of Environmental Impacts" in the Executive Summary of the Supplemental EIR, the revised compliance project would not have any significant unavoidable impacts, so a Statement of Overriding Considerations is not required with respect to the Supplemental EIR. See Response to Comment P2-2 regarding the legal challenge to the Certified EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-19 (Allan Cameron)

The commenter references a proposal by Mr. Ferdman involving diverting treated wastewater upstream. The commenter claims that a "Boydston-Ferry-Ferdman Plan" received formal analysis and was solely dismissed because the alternative would not meet a July 2015 compliance deadline. Last the commenter suggests that alternatives be reexamined in light of the extended compliance deadline

It is unclear what plan the commenter is referring to. The alternative suggested by Mr. Ferdman in 2013 did not involve discharging water upstream. See comment P23 in the Certified EIR and the SCVSD's response for more information. The solution involving the discharge of recycled water to the Santa Clara River several miles upstream was addressed in Section 6.4.1.7 of the Certified EIR and found to be infeasible for reasons other than the compliance deadline. Comment P46-2 and the SCVSD's response in the Certified EIR also address this compliance approach.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-20 (Allan Cameron)

The commenter requests an assessment of the impacts that disposing of concentrated brine at the JWPCP would have on the quality of water discharged to the ocean.

As noted in Section 9 of the Initial Study, disposal of concentrated brine at the JWPCP would raise salinity of the JWPCP effluent by less than one percent and would not impair the ability of the JWPCP to meet its NPDES permit for discharge to the ocean. See also Response to Comment A2-6.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P6-21 (Allan Cameron)

The commenter states that the Supplemental EIR must analyze impacts from the specific soil borrow source and suggests that obtaining soil from Newhall Ranch may not be possible in light of recent delays to that project.

The location(s) where soil may be imported from are unknown at this time. Such location(s) will be determined by the Contractor that provides the successful bid for the project. Since bids are not expected to be received until late 2016 and soil borrow sources open and close over time, it would be inappropriate to screen currently available borrow locations and speculative to analyze a location as the commenter suggests. CEQA does not require speculative analysis as noted in Section 1.7.1 of the Supplemental EIR. Imported soil would meet all regulatory requirements and the SCVSD would employ a screening process with the contractor to ensure that imported soil is non-hazardous.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-1 (Cam Noltemeyer)

The commenter expressed concerns with an addendum prepared for the Valencia WRP Retaining Wall project. Specifically, the commenter alleges that the addendum said the project would have no impact on greenhouse gas emissions and questioned how greenhouse gas impacts could be assessed when CEQA did not require examination of such impacts when the 2015 Plan and EIR (that the addendum applied to) were prepared.

The Valencia WRP retaining wall project is a separate project which had its own CEQA analysis. Consequently, the comment does not address the adequacy of the alternatives and environmental impact analyses of the Supplemental EIR, so no response is necessary. However, to clear up confusion about the retaining wall project, clarifications are provided below. Note that the "proposed project modification" and "approved project" mentioned below are relative to the approved project in the Santa Clarita Valley Joint Sewerage System Facilities Plan and EIR (2015 Plan and EIR) rather than the chloride compliance project.

The retaining wall is a component of the 2015 Plan and EIR that had not been constructed at the time of this writing. The 2015 Plan and EIR can be viewed at http://www.lacsd.org/wastewater/wwpubreports/final2015scv/default.asp. The location of the wall can be viewed in Figure 7-1 of the 2015 Plan and EIR (http://www.lacsd.org/civicax/filebank/blobdload.aspx?blobid=3391). The SCVSD now desires to construct the previously approved retaining wall and associated grading portions of that project. The wall would be placed at the same location and would have the same length and height as the wall in the 2015 Plan and EIR. The proposed final grade behind the wall is unchanged; however, the need for imported soil is greater than analyzed in the 2015 Plan and EIR. Construction of the retaining wall is now expected to require 15,000 cubic yards (cy) of soil import. This soil would be imported in approximately 30 truckloads per day over about 35 days rather than the 7 truckloads per day previously analyzed. Thus, the proposed modification to the project approved in the 2015 Plan and EIR (proposed project modification) was to import 15,000 cy of soil.

An addendum to the 2015 Plan and EIR (Addendum) was approved by the SCVSD Board on December 2, 2015 at an adjourned regular meeting for which the agenda was posted in accordance with the Brown Act. As described on page 1 of the Addendum, the Addendum was prepared to identify potential changes in environmental impacts from those identified in the 2015 Plan and EIR due to: (1) the proposed project modification, and (2) potential changes in the environmental setting since the 2015 Plan and EIR were completed.

The addendum was accompanied by an Initial Study covering all resource areas required by the CEQA Guidelines. The following areas of the Initial Study involved greater discussion and were

copied into the addendum itself for the reader's convenience: air quality (p. 1), biological resources (p. 2), cultural resources (p.4), greenhouse gas emissions (p. 4), noise (p. 4), transportation (p. 4), and cumulative impacts (p. 5). While the commenter is correct that the original EIR did not address greenhouse gases, the addendum did evaluate greenhouse gas impacts.

As a separate project in the vicinity of the proposed chloride compliance project, the Valencia WRP retaining wall is appropriately addressed as a cumulative project in Section 4 of the Draft Supplemental EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-2 (Cam Noltemeyer)

The commenter expressed concern about the additional 15,000 cy of imported soil and asked why addendum was approved at a special meeting.

The Valencia WRP retaining wall project is a separate project which had its own CEQA analysis. Consequently, the comment does not address the adequacy of the alternatives and environmental impact analyses of the Supplemental EIR, so no response is necessary. However, to clear up confusion about the retaining wall project, the following clarifications are offered.

As explained in Response to Comment P7-1, one of the reasons for the addendum was to address the greater amount of soil import than previously analyzed. The analysis covered all resource areas required under CEQA including traffic, air quality and greenhouse gases.

As noted in Response to Comment P7-1, the addendum was approved at an adjourned regular meeting for which the agenda was posted in accordance with the Brown Act. The Addendum was mentioned as item 6.a of the meeting agenda and attached to the meeting agenda (see beginning at page 7 of the following link:
http://www.lacsd.org/civicax/filebank/blobdload.aspx?blobid=11054.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-3 (Cam Noltemeyer)

This comment expresses concern that the retaining wall would encroach upon the nearby conservation easement.

The Valencia WRP retaining wall project is a separate project which had its own CEQA analysis. Consequently, the comment does not address the adequacy of the alternatives and environmental impact analyses of the Supplemental EIR, so no response is necessary. However, to clear up confusion about the retaining wall project, the following clarifications are offered.

As noted in Response to Comment P7-1, the wall location would be as shown in the 2015 Plan and EIR. This location is on VWRP property, outside the 100-year floodplain, and would not encroach upon the nearby conservation easement.
No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-4 (Cam Noltemeyer)

The commenter wants a commitment in writing that Newhall Ranch will not utilize deep well injection.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-5 (Cam Noltemeyer)

The comment expresses concern about the storage of natural gas in Santa Clarita by the Southern California Gas Company due to the current leak affecting Porter Ranch.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the natural gas projects in Santa Clarita and Porter Ranch are carried out by other agencies and the SCVSD has no involvement in those projects.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-6 (Cam Noltemeyer)

The commenter states that the retaining wall impacts should have been addressed as an addendum to the Brine Concentration and Limited Trucking Supplemental EIR.

The Valencia WRP retaining wall project is a separate project which had its own CEQA analysis. Consequently, the comment does not address the adequacy of the alternatives and environmental impact analyses of the Supplemental EIR, so no response is necessary. Note that, as described in Response to Comment P7-1, the retaining wall is a component of a project that was already approved and had CEQA review under the 2015 Plan and EIR. Thus, it was appropriate to assess the minor change in the current retaining wall proposal as an addendum to the 2015 Plan and EIR. Note also that the retaining wall project is assessed as a cumulative project in Section 4 of the Supplemental EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-7 (Cam Noltemeyer)

The commenter asked the SCVSD to identify the source of the 15,000 cy of imported soil for the retaining wall project because the soil might be contaminated.

The Valencia WRP retaining wall project is a separate project which had its own CEQA analysis. Consequently, the comment does not address the adequacy of the alternatives and environmental impact analyses of the Supplemental EIR, so no response is necessary. See Response to Comment P3-43 regarding the identification of a specific soil borrow source at this time. Imported soil would meet all regulatory requirements and the SCVSD would employ a screening process with the contractor to ensure that imported soil is non-hazardous..

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-8 (Cam Noltemeyer)

The commenter asked whether the development of Salt and Nutrient Management Plans might result in a revised chloride limit, especially in light of the Newhall Ranch court decision.

This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. SCVSD staff has spoken to the Regional Board and were told that the Salt and Nutrient Management Plan for the Santa Clarita Valley would have no bearing on the chloride limit and that the requirement for SCVSD compliance would not change.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P7-9 (Cam Noltemeyer)

The commenter expressed concern about the addendum done for the retaining wall years after the 2015 Plan and EIR were completed and about the retaining wall grading occurring in the river.

The Valencia WRP retaining wall project is a separate project which had its own CEQA analysis. Consequently, the comment does not address the adequacy of the alternatives and environmental impact analyses of the Supplemental EIR, so no response is necessary. See Response to Comment P7-6 for an explanation of why an addendum is the appropriate way to address the potential impacts of the retaining wall.

See Response to Comment P7-3 for information about the location of the wall. The wall and its work would not encroach upon the nearby conservation easement.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-1 (Steve Petzoldt)

The commenter expressed disappointment that SCVSD Board members were not in attendance and the environmental process for deep well injection was not completed.

The SCVSD appreciates input from the public and interested parties on the Draft Supplemental EIR. This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-2 (Steve Petzoldt)

The commenter requested the volume of brine trucks and suggested that deep well injection is now more feasible with reduced volume.

As stated in Section 6.6.1 of the Supplemental EIR, concentrated brine would be transported in 5,500 gallon trucks. Deep well injection, even with a reduced flowrate, is no longer a viable option for the reasons described in Section 6.3.2.2 of the Supplemental EIR.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-3 (Steve Petzoldt)

The commenter expressed concern about the impact on service charge rates to mobile home parks and senior citizens.

See page ES-1 for a discussion of the adoption of service charge rates in 2014 to pay for the compliance project approved in 2013 and the rate impact of the modified compliance project. The adopted service charge rates can be reviewed at http://www.lacsd.org/civicax/filebank/blobdload.aspx?blobid=3574. To pay for the chloride compliance project, rates for a single family home were to increase over six years where the total increase would be approximately $10 per month. A mobile home is charged at 60 percent of the rate for a single family home, so rates for mobile home users would increase approximately $6 per month. Note that these rates also account for keeping the existing plant in operation and expected inflation.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-4 (Steve Petzoldt)

The commenter asked whether brine could be taken to the City of Los Angeles's large treatment plant instead of the JWPCP in Carson.

This option was evaluated as documented in Section 6.5.1.2 of the Supplemental EIR and found to be infeasible due to existing concerns with salinity levels at the City of Los Angeles treatment plant.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-5 (Steve Petzoldt)

The commenter suggested that brine from other projects is trucked to Burbank and asked why their method of brine concentration was not proposed earlier.

The SCVSD is unaware of brine being trucked to Burbank. The Magnolia Power Plant in Burbank utilizes advanced treatment for their cooling water blowdown (cooling water withdrawn from the cooling system and replaced with fresh water to control salinity levels). The brine from the advanced treatment is crystallized and trucked to a landfill to meet permit requirements. The SCVSD evaluated a similar crystallizer system in Section 6.6 of the Supplemental EIR.

Various brine minimization (concentration) approaches were evaluated in the Certified EIR (see Sections 6.5.3 and 6.6.3.3). Section 6.3.2 of the Supplemental EIR describes the reconsideration of alternatives in 2015 and how the currently proposed brine concentration technology became the recommended project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-6 (Steve Petzoldt)

The commenter asked if an overall cost/benefit analysis was done for the project.

For this project, a cost/benefit analysis is not relevant because the project is being done to meet a regulatory mandate rather than achieve some cost savings, increased revenue, or some other benefit.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-7 (Steve Petzoldt)

The commenter states general opposition to TMDL mandate and the compliance deadline.

The SCVSD appreciates input from the public and interested parties on the Draft Supplemental EIR. This comment does not address the adequacy of the alternatives and environmental impact analyses, so no response is necessary. Note that the SCVSD challenged the chloride limit for many years as documented in the executive summary of the Certified EIR. In October 2013, the SCVSD Board of Directors approved a chloride compliance project to avoid the risk of steep State fines that Santa Clarita Valley property owners would have to pay.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Response to Comment P8-8 (Steve Petzoldt)

The commenter asked why the Regional Board deadline cannot be changed since the SCVSD is looking at a new brine management option.

The Regional Water Quality Control Board changed the chloride compliance deadline three times since the limit was originally set in 1989. In 2015, a final four-year extension to July 1, 2019 was granted. The Regional Water Quality Control Board has clearly and unequivocally stated that the current compliance deadline will not change.

No revisions to the Draft Supplemental EIR are required in response to this comment.

Commenter H2, December 16 Public Hearing – Ingrid Van Doren

The Santa Clarita Valley Sanitation District

Supplemental EIR for Brine Concentration and Limited Trucking

Public Hearing

Wednesday, December 16, 2015

-o0o-

Stevenson Ranch Elementary

25820 N. Carroll Lane

Stevenson Ranch, California 91381

Reported By: Dominica Hotchkiss, RPR, CSR No. 12805

Pages: 1 to 11

Job No. 142485

SANTA CLARITA, CALIFORNIA; WEDNESDAY DECEMBER 16, 2015
7:31 P.M.
-o0o-

MR. STEVEN HIGHTER: Welcome and good evening. My name is Steve Highter. I'll be serving as the hearing officer for what is the second of two public hearings for the Draft Santa Clarita Valley Sanitation District Supplemental EIR for Brine Concentration and Limited Trucking. Before we get started, I want to point out that the restrooms are through those open doors in the back corner, down the hallway to the left. Tonight's public hearing is not a decision-making meeting. Instead, we are here to receive input on the supplemental draft EIR, and your input will be used to help us finalize the EIR.

Tonight's hearing is being transcribed. Your comments and our responses to your comments will be included in the final supplemental EIR. The hearing will consist of a 15-minute presentation by Sanitation District staff, followed by public comments. If you would like to provide oral comments tonight, you'll need to fill out a speaker's card, which are available at the table where you first walked in. Alternatively, you may provide your comments in writing on a comment form, which is also available at that back table, or you may submit a comment letter or send us an e-mail to the

Sanitation District.

Now I would like to take a minute to introduce you to some members of the District staff who are with me tonight. To my far right over here we have Paul Prestia. Paul is the head of the planning section. Then next to him is Brian Langpap, and Brian is the project manager. And to my left is mark Giljum, and I also have Jodie Lanza and Marvin Holmes, who are project engineers assisting with the supplemental EIR. Mark will now give tonight's presentation.

MR. MARK GILJUM: Thank you, Steve. Despite the fact that "Windows is Not Genuine" (indicating), we'll try to get through this. Good evening. I'll start by describing the services that my agency provides. The Santa Clarita Valley Sanitation District is a public agency that collects and treats Santa Clarita's sewage, or wastewater, which comes from homes and businesses.

These flows go to the nearest sewers and ultimately to one of the district's two wastewater treatment plants or water reclamation plants that treat combined about 20 million gallons per day, which is enough to fill up the Rose Bowl every four days. Some of the high quality treated water is used for landscape irrigation, and the rest is discharged to the Santa Clara River, which is protected by state and federal law.

The Regional Water Quality Control Board is the

state agency responsible for enforcing federal state laws and regulations that protect water quality. The Regional Board has set a strict limit of 100 milligrams per liter on the amount of chloride that can be discharged into the Santa Clara River. Chloride is just a common salt that occurs in wastewater due to nature and people, but additional treatment equipment is required because our treatment plants are not designed to remove chloride.

The State's strict compliance deadline is July 2019. So in less than four years we need to design new facilities, bid and award a construction contract and order equipment that has long lead times and then construct, start up and test these new facilities. Failure to meet the July 2019 deadline or the interim deadlines could result in steep fines that Santa Clarita Valley property owners would have to pay. The mandatory minimum fine is $2 million per year but could be much higher with the addition of discretionary fines, and the Regional Board fined us $225,000 in 2012 for missing such a deadline.

In 2013 after nearly two years of extensive public input and hearings and environmental review, the District Board approved a project to comply with the state-mandated chloride limit. The approved compliance project consists of the elements on this slide, including advanced treatment using microfiltration and reverse osmosis, or MFRO, to remove

chloride. Reverse osmosis creates a salty water by-product called "brine" that requires disposal.

The original solution for brine management was deep-well injection at a site about two miles south of the Valencia plant. And earlier this year the District withdrew its deep-well injection proposal, and staff was directed to investigate other brine management options.

Before I go further, I'll explain how reverse osmosis works. Under pressure, water is forced through semipermeable membranes, and separated from the salty water is a waste product called "brine." In a regular reverse osmosis system, about 85 percent of the incoming water is purified, leaving about 15 percent brine.

Now, this photo shows water in the different parts of the RO system. On the left is the treated water from our existing reclamation plant that would go into the RO system, is high quality and meets drinking water standards. In the middle is the ultraclean filtered water that has already been pushed through the RO membrane, and on the right is the water and the salt that does not go through the membrane, the reject that's called "brine" and requires proper disposal.

Now, brine is just really salty water, not a toxic waste, about two times saltier than the ocean at the level of concentration that we are proposing. In nondrought years, we won't need to run the RO system at capacity, and during those

times we can produce some of this ultraclean water for use in recharging groundwater, which would help augment the community's water supply.

The District now proposes to change only the brine management component of the approved chloride compliance project. All of the components remain unchanged and the District can move forward with this design of these components to stay on schedule.

For brine management, we propose to replace deep well injection with the addition of new brine concentration equipment, the Valencia Water Reclamation Plant, and limited trucking of the resulting brine to an existing industrial facility. Limited trucking is about six truck loads per day on average or ten maximum per day. Trucks would operate during off-peak hours to avoid the morning and evening rush hour, and this is a view of the Valencia Water Reclamation Plant.

The proposed brine concentration equipment will be at the north end. All the property where the MFRO equipment is proposed, this has already been disturbed. The inbound/outbound truck routes are shown in green and yellow respectively. Trucks with loads to the north end of the plant from I-5 enter I-5 from the nearby ramp or the ramp from Magic Mountain Parkway about a mile to the south.

Empty trucks that return to the plant will enter

Magic Mountain Parkway, make a right on The Old Road and then a left into the plant. None of these routes passes homes. The brine concentration not only reduces the number of truck loads per day, but also increases the volume of recycled water available to the community by about 300,000 gallons per day. As I mentioned, brine will be trucked through an existing industrial site, but currently the proposed site is the Joint Water Pollution Control Plant in Carson, which treats wastewater from 73 cities in Los Angeles and discharges treated water to the ocean.

A closer view of the Joint Water Pollution Control Plant, or JWPCP, again the inbound and outbound routes are shown in green and yellow. This site is proposed for several reasons: The joint plant already contains authorized stations for disposal of truck wastewater so that no construction will be required to accept Santa Clarita's brine. Moreover, the haul route from the freeway to the plant is less than one mile in an industrial area and also does not pass any homes.

The construction cost of the modified compliance system is similar to the originally approved project, but it would have a higher annual operating cost. As a result, the service charge rates that are approved through June of 2020 are expected to be sufficient to construct and start up the modified compliance project.

The timing and size of any rate increases beyond 2020 depend on a variety of factors, including inflation and our ability to obtain more grant funding. Today we've received 7 and a half million dollars in grants and will pursue more, including recent Prop 1 water bond funding.

State law requires an environmental analysis that begins with an initial study in which potential impacts are considered for 17 resource areas, including traffic, noise, air quality, biology. The initial study helps identify which areas need further environmental analysis in the environmental impact report, or the EIR, and of those 17 resource areas only the three listed here require analysis in our focus supplemental EIR. That draft supplemental EIR, or SEIR, includes that our modified compliance project would not result in any significant impacts.

State law requires a specific process for EIRs and SEIRs, which is illustrated on this slide. The process includes ample opportunity for public comment, such as this evening's hearing, the draft SEIR, which was released on November 17th and will be available for public review until early January. All comments that are submitted through the public review period will be addressed in the final SEIR, and then the SCV Board is expected to hold a public hearing in the spring of 2016 to consider whether to certify the SEIR and approve the modified compliance project.

We do welcome your input, and the final slide shows the various ways you can contact us with comments or questions. You can also find more information on the project by visiting our Web site, and I thank you for your attention.

MR. STEVEN HIGHTER: Thank you, Mark. We are now ready to begin receiving public comment on the draft supplemental EIR. You'll be called to the podium in the order in which we received a speaker's card from you.

Marvin, do we have any speaker cards?

MR. MARVIN HOLMES: No.

MS. INGRID VAN DOREN: Can I ask a question?

MR. STEVEN HIGHTER: You can go ahead and ask a question. I won't be able to answer it for you, but it can go on the record --

MS. INGRID VAN DOREN: Okay.

MR. STEVEN HIGHTER: -- as a question that we would respond to in the final EIR; is that okay?

MS. INGRID VAN DOREN: Okay.

MR. STEVEN HIGHTER: You just have to state your name and spell your name and your affiliation, please.

THE WITNESS: Ingrid Van Doren, last name V-a-n D-o-r-e-n. I'm a resident here in Stevenson Ranch, and my question is just -- you talked about in 2013 you had public hearings that people were informed about, and we weren't. And it seems like the same is going on tonight. Well, I'm

P9-1

P9-1

asking what kind of publicity did you put out about this meeting? I did see something in the "Signal" about a month ago, and that's been it. And my friend -- you know, a lot of people don't know about this meeting. So I was curious what kind of advertising or what you do to put this out into the public because it seems like so few people are here. Maybe there's a better way to get more people informed.

MR. STEVEN HIGHTER: Thank you for your questions and comments. Again, we won't be answering questions and responding to comments during the hearing itself, but, afterwards, somebody in our staff would be happy to talk to you; is that fine?

MS. INGRID VAN DOREN: (Nodded head.)

MR. STEVEN HIGHTER: Thank you. Any other questions or comments before I close tonight's hearing?

(No response from audience.)

MR. STEVEN HIGHTER: Seeing that there are none, this concludes tonight's public hearing. Thank you very much for coming.

As Mark mentioned, we are going to be working on the final EIR, and it's scheduled to be completed in the spring. If you provided your e-mail address when you signed in tonight, you will be on our mailing list, and you will receive notification when the final EIR is available. Also, the slides that were shown tonight are already available on

our Web site at www.lacsd.org.

Thank you once again and have a good night.

(The proceedings concluded at 7:45 p.m.)

REPORTER'S CERTIFICATE

I, DOMINICA MARIE HOTCHKISS, C.S.R. 12805, Certified Shorthand Reporter for the State of California do hereby certify;

That said proceedings were taken before me at the time and place therein stated and was thereafter transcribed into print under my direction and supervision, and I hereby certify the foregoing deposition is a full, true and correct transcript of my shorthand notes so taken.

I further certify that I am not of counsel nor attorney for any of the parties hereto or in any way interested in the event of these proceedings and that I am not related to any of the parties hereto.

WITNESS my hand this 28TH day of DECEMBER, 2016.

_____

DOMINICA MARIE HOTCHKISS
C.S.R. NO. 12805

Response to Comment P9-1 (Ingrid Van Doren)

This comment asks what type of advertising SCVSD did to notify the public because so few people attended the hearing.

The SCVSD ran newspaper advertisements in the Santa Clarita Valley Signal and the Santa Clarita Gazette on December 8, 2015 that included information on public hearings to be held on December 10, 2015 and December 16, 2015. The SCVSD also sent the Notice of Availability of the Draft Supplemental EIR to our entire mailing list (about 975 individuals) when the document was released for public review on November 18, 2015. Note that the two members of the public who expressed this concern were on the mailing list and had received a communication about the project.

No revisions to the Draft Supplemental EIR are required in response to this comment.

8
CHANGES AND ERRATA

8.1 INTRODUCTION

This section describes the modifications that were made between the Draft and Final SEIR. Modifications in the final document include all revisions related to public comments, updates, and clarifications, as determined necessary by the Santa Clarita Valley Sanitation District (SCVSD), the lead agency. Section 8.2 references these revisions. None of the revisions result in changes to significance findings in the Draft SEIR.

Some of the modifications in the Final SEIR are not included in Section 8.2. These changes are discussed below.

Two new sections are added to the Final SEIR. Section 7 includes the comments received during the 53-day comment period for the Draft SEIR and the responses to those comments. Section 8 presents changes and errata that were addressed during the preparation of the Final SEIR.

In addition, the SEIR includes a new appendix:

- Appendix E has been added which provides State Water Resources Control Board Requirements for Project Reports (an update to Appendix A-1 from the Certified EIR)

Specific revisions to tables and figures are not included in Section 8.2; however, revisions are referenced in Section 8.2, and the reader is directed to the revised tables and figures in the Final SEIR to view complete errata.

It should be noted that nonsubstantive changes that do not alter the meaning of the text, including errors in grammar, punctuation, spelling, acronyms, references, and typography, have been corrected for the final documents but are not included in this chapter.

8.2 MODIFICATIONS TO THE SEIR

Revisions to the text as presented herein are incorporated into the Final SEIR. Underlines indicate where additions were made to the original text. Strikeout indicates where the original text was deleted. The location of revisions is identified according to section number and/or heading from the Draft SEIR; table and figure numbers from the Draft SEIR are used where applicable. Readers are referred to the Final SEIR to view complete sections.

8.2.1 Executive Summary

Figures ES-2, 2-2 and **2-4**:

> The shape for the location of the advanced treatment facilities was revised from its previous conceptual shape to more closely approximate the footprint of the advanced treatment facilities and clearly show no encroachment on the nearby conservation easement.

Project Objectives-The following paragraph has been added:

> The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Project Description- The following text has been added to the first paragraph:

> The proposed modification to the approved chloride compliance project is to replace brine management by deep well injection with the addition of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine (an average of 6 truckloads per day, 10 maximum) to an existing industrial facility as shown on Figure ES-1. As described above, the water reuse project component in the Certified EIR is no longer part of the currently proposed project.

Areas of Controversy and Issues to be Resolved- The first paragraph has been revised as follows:

> In accordance with §15063 and §15082 of CEQA Guidelines, the SCVSD, as the Lead Agency, prepared an NOP for the proposed project (see Appendix A). ~~There were no known areas of controversy at the time this Draft SEIR was prepared.~~ No areas of controversy were identified during the NOP scoping period for the Draft SEIR with respect to the SEIR. However, the adequacy of the EIR certified in 2013 (Certified EIR or 2013 EIR) was challenged in court by the Affordable Clean Water Alliance (ACWA). This challenge was heard in Superior Court on Tuesday, February 23, 2016. The SCVSD prevailed on most of the disputed issues. ACWA's petition was only granted in two narrow areas.
>
> First, the Court directed the SCVSD to conduct further environmental study on potential impacts to an endangered fish (unarmored threespine stickleback) that could result if the SCVSD were to significantly reduce its discharge of treated wastewater to the river in support of water reuse. This water reuse component of the Certified EIR is independent of the project components needed to comply with the Chloride TMDL. To avoid delays in meeting the Chloride TMDL deadline, the water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Second, the Court set aside the approval of the compliance project and the associated 2013 EIR because of the need for more stickleback analysis and because the SCVSD is pursuing a different method of brine management. The Court found no fault with any of the chloride compliance components of the project.

On March 23, the SCVSD Board will be asked to recertify the 2013 EIR without the water reuse component, certify the SEIR, and approve a modified chloride compliance project. If the Board takes these actions, the Court's ruling is not expected to affect the SCVSD's schedule for complying with the Chloride TMDL.

Summary of Potential Impacts-The last sentence of the fifth paragraph has been revised as follows:

Analysis of the proposed project modification did not result in any new or substantively modified mitigation measures relative to the Certified EIR.

Table ES-1 Summary of Impacts and Mitigation Measures-A modified version of Mitigation Measure BIO-1 from the Certified EIR has been added to Table ES-1.

Table ES-1 Summary of Impacts and Mitigation Measures-Mitigation Measure NOISE-1 was added to match discussion in Section 1.5.3. NOISE-1 is being carried over from the Certified EIR although the mitigation for construction noise is no longer required. The project as modified (without offsite construction of a DWI site and pipelines) does not have the potential to expose sensitive receptors to noise levels that could result in a significant impact. Nevertheless, the SCVSD has committed to keeping the measure as good construction practice.

8.2.2 Section 1, Introduction

Section 1.5.2 Certified EIR Mitigation Measures – A modified version of Mitigation Measure BIO-1 from the Certified EIR has been added and revised as follows:

1.5.2 Biological Resources

Mitigation Measure BIO-1

Preconstruction Breeding Bird Surveys. If construction of ~~the select pipeline segment is within or immediately adjacent to native vegetation during the bird nesting period (typically February 1 through August 31), preconstruction surveys for nesting/roosting bird species shall be conducted by a qualified biologist no more than 5 days prior to the start of construction. The select pipeline segments consist of those that are within or adjacent to Los Angeles County Significant Ecologic Area Nos. 23 and 64, the portion of The Old Road between Calgrove Boulevard and Sierra Highway, the blended groundwater pipeline between State Route 126 and the outfall at the Santa Clara River bank, and any blended groundwater pipeline construction activity within 100 feet of the Santa Clara River~~ the advanced treatment facilities (including the brine concentration facilities and truck loading station) will occur during the bird nesting period (typically February 1 through August 31), preconstruction surveys for nesting/roosting bird species shall be conducted by a qualified biologist no more than 5 days prior to the start of construction. The preconstruction surveys shall be limited to areas of native habitat located directly adjacent to and extending up to 500 feet from the construction area. The

preconstruction surveys shall include least Bell's vireo (conducted by qualified biologist per USFWS protocol) and species protected under the Migratory Bird Treaty Act, including raptors.

Active nest sites identified during the preconstruction surveys shall be avoided and a non-disturbance buffer zone established as determined by a qualified biologist. Buffer distances shall be 150 feet for common birds, 300 feet for special-status birds, and 500 feet for raptors. The size of individual buffers may be modified based on site-specific conditions and pre-existing disturbance levels (e.g., species-specific information; ambient conditions and birds' lines of sight between the project activities and the nest and foraging areas), as determined by a qualified biologist. Documentation of any buffer zone modifications shall be maintained and submitted to the SCVSD. The buffer zone shall be delineated in the field with flagging, stakes, or construction fencing, and all clearing and grubbing activities shall remain outside the demarcated area. Nest sites shall be avoided until the adults and young are no longer reliant on the nest site for survival as determined by a qualified biologist.

Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area. Documentation of all surveys and recommended protective measures shall be maintained by the biologist and provided to the SCVSD on a regular basis.

Section 1.10 Known Areas of Controversy- The text was revised as follows:

~~There were no known areas of controversy at the time this Draft SEIR was prepared.~~ In accordance with §15063 and §15082 of CEQA Guidelines, the SCVSD, as the Lead Agency, prepared an NOP for the proposed project (see Appendix A). No areas of controversy were identified during the NOP scoping period for the Draft SEIR with respect to the SEIR. However, the adequacy of the EIR certified in 2013 (Certified EIR or 2013 EIR) was challenged in court by the Affordable Clean Water Alliance (ACWA). This challenge was heard in Superior Court on Tuesday, February 23, 2016. The SCVSD prevailed on most of the disputed issues. ACWA's petition was only granted in two narrow areas.

First, the Court directed the SCVSD to conduct further environmental study on potential impacts to an endangered fish (unarmored threespine stickleback) that could result if the SCVSD were to significantly reduce its discharge of treated wastewater to the river in support of water reuse. This water reuse component of the Certified EIR is independent of the project components needed to comply with the Chloride TMDL. To avoid delays in meeting the Chloride TMDL deadline, the water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Second, the Court set aside the approval of the compliance project and the associated 2013 EIR because of the need for more stickleback analysis and because the SCVSD is pursuing a different method of brine management. The Court found no fault with any of the chloride compliance components of the project.

On March 23, the SCVSD Board will be asked to recertify the 2013 EIR without the water reuse component, certify the SEIR, and approve a modified chloride compliance

project. If the Board takes these actions, the Court's ruling is not expected to affect the SCVSD's schedule for complying with the Chloride TMDL.

Section 1.12 SEIR Organization- The text was revised as follows:

Section 6. Project Alternatives. This section refers to the robust alternatives analysis completed in the Facilities Plan and EIR, discusses the alternatives considered in defining the modified compliance project, analyzes the environmental impacts of three alternatives, and identifies the environmentally superior alternative.

Section 7. Response to Comments. This section provides the comment letters and hearing transcripts received during the public review period for the SEIR. Responses to all comments received have been prepared and are included in this section.

Section 8. Changes and Errata. This section describes the modifications that were made between the Draft and Final SEIR. This section includes all revisions related to public comments, updates, and clarifications, as determined necessary by the SCVSD.

References, report preparers, and a list of abbreviations are included after Section 6. Supporting information is included as appendices. As documented in Appendix E, the Facilities Plan and EIR, as well as this Supplemental EIR, were prepared in conformance with the State Water Resources Control Board's policy for implementing the Clean Water State Revolving Fund (SRF) Program for construction of wastewater treatment facilities.

8.2.3 Section 2.0 Project Description

Section 2.3 Project Objectives- The text was revised to include the third project objective and the following.

- Provide a wastewater treatment and effluent management program that accommodates recycled water reuse opportunities in the Santa Clarita Valley while protecting beneficial uses of the Santa Clara River.

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Section 2.4 Description of Proposed Project- The first paragraph has been revised as follows:

The proposed modification to the approved chloride compliance project is to replace brine management by deep well injection with the addition of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine (an average of 6 truckloads per day, 10 maximum, during off-peak hours) to an existing industrial facility. As described above, the water reuse project component in the Certified EIR is no longer part of the currently proposed project.

Section 2.4 Description of Proposed Project- The second paragraph text has been revised as follows:

> The VWRP is located at 28185 The Old Road in unincorporated Los Angeles County, west of the Interstate 5 Freeway near the west end of Rye Canyon Road. The enhanced brine concentration process would include an enhanced membrane system consisting of extensive pretreatment facilities (including nanofiltration, ion exchange and decarbornator for pH control) combined with more steps of reverse osmosis (RO) than are provided in a typical RO system. This technology would reduce the volume of brine requiring disposal and the resulting number of truckloads per day by 90 percent (i.e., 6 instead of 60 truckloads per day) compared to the trucking alternative evaluated in the Certified EIR. All chemical storage tanks associated with brine concentration facilities would be provided with secondary containment in case of spill or storage container rupture. Further, the design of the loading station will include features to prevent brine spills from entering the Santa Clara River. The brine concentration facilities would be installed within the existing footprint at the plant in an area of disturbed but undeveloped land. Ancillary work includes limited grading, construction of buildings and canopies to protect certain equipment from the elements, construction of storage tanks for concentrated brine, and installation of yard piping, stormwater management facilities, and electrical facilities. To provide all weather access and minimize dust, the area to be developed would receive a surface treatment consisting of gravel, concrete sidewalk, or asphalt pavement. See Figure 2-4 for a closer view of the VWRP and Figure 2-5 for ground-level photos of the proposed area to be developed.

Section 2.5 Potential Discretionary Approvals- The text was revised as follows:

> This SEIR is intended to provide agencies with permitting authority over a portion of the project with information to support the agency permitting process. If implemented, ~~the gas-to-energy facility would~~ the microturbine and the decarbonator may require ~~a~~ permits from the South Coast Air Quality Management District. Otherwise, the modified compliance project is not expected to require any other specific permits or other discretionary approvals.

8.2.4 Air Quality and Greenhouse Gas Emissions

Section 3.1.4.3.4 Exposure of Sensitive Receptors to Pollutant Concentrations-The following paragraph was added and subsequent text was revised as follows:

The advanced treatment facilities may include a decarbonator for pH control. This equipment could cause trace amounts of volatile compounds in the water to transfer into the air vented from the decarbonator and thereby produce trace amounts of HAPs. Using a conservative estimate of the potential HAP emissions, the projected decarbonator emissions were screened for health risk using the latest risk assessment methodology approved by OEHHA and adopted by the SCAQMD for their new source review Rule 1401 (SCAQMD, July 2015). This analysis showed that even the conservative emissions estimate would be below the Tier 2 screening risk level, confirming that the decarbonator would result in minimal health risk.

Nonetheless, if either the microturbine or the decarbonator is implemented, an application would be submitted to the SCAQMD for their approval. This application would include an estimate of the HAP emissions and any required risk analysis. Once the permit is approved, it is common

practice by SCAQMD to require a source test to verify the emissions information submitted with the permit application.

Therefore, the impact of the potential HAP emissions from the potential microturbine and decarbonator would be less than significant.

Section 3.1.4.3.5 GHG Emissions-The text was revised as follows:

Without implementation of the potential renewable energy facilities, total GHG emissions from the modified compliance project would be ~~4,784~~ 5,290 MT/year of CO_2e as shown in Table 3.1-10. The estimated GHG emissions from construction would be 611 MT of CO_2e (20 MT/year of CO_2e when amortized over 30 years) while the operational emissions would be ~~4,764~~ 5,270 MT/year of CO_2e. With implementation of the renewable energy facilities, total GHG emissions would be ~~2,826~~ 3,332 MT/year of CO_2e as shown in Table 3.1-11. The estimated GHG emissions from construction would be 698 MT/year of CO_2e (23 MT/year when amortized over 30 years) while the operational emissions would be ~~2,803~~ 3,309 MT/year of CO_2e (accounting for a deduction based emissions offset by the renewable energy facilities). Emissions in both scenarios are well under the 10,000 $MMTCO_2e$/year significance threshold. Therefore, construction and operation of the modified compliance project would result in a less than significant impact on GHG emissions.

Table 3.1-10 Project GHG Emissions without Renewable Energy Facilities - The table was revised as follows:

Emission Source	CO_2e (MT/yr)	Percent of Total Emissions
Construction		
Total	611 MT	
Amortized Over 30 Years	20 MT/year	0.4%
Operations		
Energy Production to Power the Project	3,073 MT/year	
Decarbonator	~~993~~ 1,500 MT/year	
Brine Trucking	618 MT/year	
Worker Commutes/Chemical Deliveries	79 MT/year	
Sub-Total	~~4,764~~ 5,270 MT/year	99.6%
PROJECT TOTAL	**~~4,784~~ 5,290 MT/year**	
Significance Threshold	**10,000 MT/year**	
Significant Impact?	No	

Note: See Appendix C for GHG calculations.
CO_2e = carbon dioxide equivalent
MT/year = metric tons per year;
Columns may not add directly due to rounding
Source: ESA 2015.

Table 3.1-11 Project GHG Emissions with Renewable Energy Facilities - The table was revised as follows:

Emission Source	CO_2e	Percent of Total Emissions
Construction		
Total	698 MT	
Amortized Over 30 Years	23 MT/year	0.5%
Operations		
Energy Production to Power the Project	3,073 MT/year	
Decarbonator	~~993~~ 1,500 MT/year	
Brine Trucking	618 MT/year	
Worker Commutes/Chemical Deliveries	79 MT/year	
Sub-Total	~~4,764~~ 5,270 MT/year	99.5%
Renewable Energy Offset (deduct)	1,961 MT/year	41% (Offset)
PROJECT TOTAL	**~~2,826~~ 3,332 MT/year**	
Significance Threshold	**10,000 MT/year**	
Significant Impact?	No	

Note: See Appendix C for GHG calculations.
CO_2e = carbon dioxide equivalent
MT/year = metric tons per year;
Columns may not add directly due to rounding
Source: ESA 2015.

8.2.5 Section 3.2, Energy Resources

Section 3.2.2 Environmental Setting- The text in the first paragraph has been revised as follows:

> Southern California Edison (SCE) provides energy services to the Santa Clarita Valley (SCV), including SCVSD facilities, through six distribution facilities. SCE produces electricity from different sources, including solar, geothermal, hydroelectric, and natural gas~~, and nuclear~~.

8.2.6 Section 3.3, Transportation and Traffic

Section 3.3 -Table 3.3-8 Existing Plus Project Intersection Level of Service Summary- At Intersection 4 (Old Road/Rye Canyon) for PM peak and the "existing Plus Project Traffic" scenario, the LOS has been changed from C to D to be consistent with traffic technical memorandum.

8.2.7 Section 4.2, Cumulative Effects

Section 4.2.2.2.2 -Greenhouse Gas Emissions- The text was revised in the last two sentences as follows:

> Due to the global nature of GHG impacts, this threshold has the effect of identifying cumulatively considerable projects. The proposed project would result in the emission of 4,784 5,290 metric tons (MT) of CO_2 equivalents (CO_2e), which would be lower than the SCAQMD's significance threshold of 10,000MT/yr CO_2e. Since the proposed project would not exceed the SCAQMD's significance threshold for GHG, GHG~~S~~ emissions

from the construction and operation of the proposed project would not be cumulatively considerable and the project would not result in a significant cumulative impact on GHG emissions

Section 4.2.2.10-Transportation and Traffic- The text was revised in the first sentence of the seventh paragraph as follows:

The Legacy Village Project is a proposed residential development that will be accessed by Pico Canyon Road, which is ~~3.7~~ 2 miles south of the nearest portion of the proposed project (VWRP).

8.2.8 Section 6.0, Alternatives

Section 6.2 Planning Goals and Objectives- The following paragraph was added:

The Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document.

Section 6.4 Proposed Modification to the Chloride Compliance Project- The first paragraph has been revised as follows:

At this time, the only feasible approach to compliance involves enhanced brine concentration and limited trucking of concentrated brine. Thus, the proposed modification to the approved chloride compliance project is to replace brine disposal by deep well injection with the installation of enhanced brine concentration equipment at the VWRP and limited trucking of concentrated brine to an existing industrial facility. As described in Section 6.2, the water reuse project component in the Certified EIR is no longer part of the currently proposed project.

Section 6.9.4 Summary of Environmental Analysis of Alternatives- The first paragraph has been revised as follows:

Early in this section, three final alternatives were identified and analyzed. The preceding environmental analysis evaluates the effects of the No Project Alternative and the two discarded final alternatives—the Pomona WRP Alternative and the Crystallizer Alternative—relative to the proposed project (the JWPCP Alternative). Table 6-3 compares the ability of the No Project Alternative and the three final alternatives to meet project objectives. As described in Section 6.2, the Certified EIR contained a project component titled "Support for Municipal Reuse of Recycled Water" to meet the third objective. This project component is independent from the other project components, which are needed to comply with the Chloride TMDL. In February 2016, the Superior Court ruled that this water reuse component requires further environmental review. To avoid delays in meeting the Chloride TMDL compliance deadline, this water reuse component is no longer part of the currently recommended project. This component

would be separately considered by the SCVSD Board after further environmental and public review in a separate CEQA document. Thus, none of the alternatives, as currently proposed, would meet the third objective.

Section 6.9.4 Summary of Environmental Analysis of Alternatives- The second paragraph has been revised as follows:

The Pomona WRP Alternative would meet the first two ~~all of the~~ project objectives. The Crystallizer Alternative might not be able to meet all project objectives because the added time to construct the crystallizer system could prevent project completion by the State's compliance deadline, which could result in steep fines that Santa Clarita Valley property owners would have to pay.

Section 6.9.4 Summary of Environmental Analysis of Alternatives-Table 6.3 Ability of Project Alternatives to Meet Project Objectives has been revised as follows:

Table 6-3. Ability of Project Alternative to Meet Project Objectives

Project Objectives	Proposed Project (JWPCP)	No Project	Pomona WRP	Crystallizer
Provide compliance with the State-mandated Chloride TMDL for SCVSD wastewater treatment and discharge facilities by the State's deadline	Yes	No	Yes	Maybe[a]
Utilize an existing industrial facility for brine disposal	Yes	Yes[b]	Yes	Yes
Provide a wastewater treatment and effluent management program that accommodates recycled water reuse opportunities in the Santa Clarita Valley while protecting beneficial uses of the Santa Clara River	~~Yes~~ No[c]	~~Yes~~ No	~~Yes~~ No[c]	~~Yes~~ No[c]

[a] The extra time to procure, install and startup the crystallizer system could prevent project completion by the State's compliance deadline.

[b] This alternative received a "yes" because it does not require brine disposal and therefore does not raise the issue of the proper location for such a facility.

[c] This alternative received a "no" because the recycled water reuse component is no longer part of the currently proposed project and would be considered separately as described in Section 6.2.

Section 6.9.5 Environmentally Superior Alternative- The second paragraph has been revised as follows:

The Pomona WRP Alternative would meet the first two ~~all~~ project objectives but would result in greater impacts relative to the proposed project. The Crystallizer Alternative might not be able to meet all of the objectives because the added time to construct the crystallizer system could prevent project completion by the State's compliance deadline. Relative to the proposed project, the Crystallizer Alternative would have less traffic and operational air impacts, but would have greater aesthetic impacts, construction air impacts, energy impacts, and GHG impacts. For these reasons, the Crystallizer Alternative is rated inferior to the proposed project in terms of environmental impacts. The proposed project (JWPCP Alternative) is thus the environmentally superior alternative.

8.2.9 Appendix B Initial Study

4-Biological Resources- The text in the Initial Study has been revised as follows:

a-b, d-f) VWRP

Construction of the modified compliance project at the VWRP would occur within previously-disturbed areas that are adjacent to open space containing native habitat that could be used by breeding birds. Existing noise from plant operations, the Old Road and the I-5 freeway, and other neighboring land uses creates an existing level of disturbance that birds in the area are accustomed to. ~~Construction and operation of the modified compliance project would involve noise levels similar to those resulting from existing operation and maintenance activities and at a similar distance to habitat that contains birds and other wildlife that have acclimated to this environment. Impact would be less than significant.~~ Construction of the advanced treatment facilities (including the brine concentration facilities and truck loading station) could generate a higher level of disturbance that could impact nesting birds not accustomed to that level of disturbance. The removal of active nests or harassment of a breeding bird would constitute a significant impact. With implementation of Mitigation Measure BIO-1 from the Certified EIR, the potential impact would be less than significant.

Trucking and Disposal

Hauling would take place on existing roads and would not create any new biological impacts relative to those discussed in the Certified EIR. The liquid waste disposal stations at the JWPCP (and the haul routes to these stations) are existing facilities and use of these stations would not create any biological impact. Disposal of brine at the JWPCP would result in a reduction in the discharge of treated wastewater from the VWRP to the Santa Clara River. On average, the reduction would be 33,000 gallons per day (gpd) (with a maximum of 52,000 gpd). In September 2015 (when the Notice of Preparation for this SEIR was released), the average daily discharge from the VWRP to the river was 12.9 million gallons per day (mgd). At this plant flow, a 52,000 gpd (0.05 mgd) reduction in discharge to the river would amount to a 0.4 percent decrease, which is less than the seasonal and year-to-year variability that occurs in the generation of wastewater by the community (e.g., flows ranged from 12.8 to 13.5 mgd from September 2014 to August 2015). Thus, such reduction would have negligible impact on the biological resources of the river, including the unarmored threespine stickleback.

12- Noise- The text in the Initial Study has been revised as follows:

a – d) VWRP

Construction of the proposed project modification would occur at the VWRP and would involve similar construction equipment as analyzed for the MF/RO and loading facilities in the Certified EIR. Thus, no new impacts are anticipated and no further analysis is warranted. While not required to avoid a significant impact for the modified compliance project, the SCVSD has voluntarily chosen to implement Mitigation Measure NOISE-1 from the Certified EIR to limit the project's noise impacts.