

**State Water Resources Control Board Response to Comments –
 Basin Plan Amendment to adopt conditional site specific objectives (SSOs) for chloride and revise the upper
 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
 Comment Due Date: 12pm, September 3, 2009**

1. City of Santa Clarita
2. County Sanitation Districts of Los Angeles County
3. Cota Cole & Associates on behalf of the Owners of Rancho Camulos
4. Farm Bureau of Ventura County
5. United Water Conservation District
6. Ventura County Agricultural Water Quality Coalition

No.	Comment	Response
1.1	<p>The Sanitation District is currently working with the Regional Water Quality Control Board (Regional Board) to consider modifications to Resolution No. R4-2008-012 because of the substantial impact the TMDL has on the residents of the Santa Clarita Valley. The TMDL in its current form would facilitate the implementation of a lower cost alternative when compared to the original TMDL. However, the cost to implement this plan is still over \$250 million, requiring a tripling of monthly service rates for ratepayers in the Santa Clarita Valley. Especially considering the current economic situation, this considerable cost is an unreasonable burden to place on citizens in our community.</p> <p>The City respectfully requests that the State Board delay the adoption hearing for the chloride TMDL so that further modifications to the TMDL can be explored to reduce the financial burden on our citizens.</p>	<p>Comment acknowledged. The Regional Board conducted an economic analysis that found the cost associated with this project is consistent with state averages. In addition, nearby citizens of Fillmore and Santa Paula are paying higher rate fees than those proposed by this TMDL for similar water quality projects.</p> <p>The Sanitation Districts and the Regional Board can continue to explore funding options as the amendment moves forward. The water quality issues that exist in the Santa Clarita Valley are too important to delay any further and will only cost ratepayers more money as they worsen with time.</p>

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 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
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No.	Comment	Response
2.1	<p>The Sanitation District is currently working with the Regional Board to consider modifications to Resolution No. R4-2008-012 because of the fiscal impact the TMDL has on the residents of the Santa Clarita Valley. While the TMDL in its current form would facilitate the implementation of a lower cost alternative compliance scheme to that required by the original TMDL, the cost to implement this plan is still over \$250 million, which would be the primary factor requiring a tripling of monthly service rates for ratepayers in the Santa Clarita Valley. Service rate increases of this magnitude, especially during these economic times, are just not tenable for the community to bear. Like many areas throughout the State, the Santa Clarita Valley has been severely affected by the recent economic downturn. The Sanitation District now more than ever has a fiduciary duty to our ratepayers to explore all opportunities to further reduce the cost of compliance with the State Mandate and lessen the impact of the cost of compliance with the TMDL on the community. The Sanitation District is working with the Regional Board to investigate the following opportunities for additional regulatory relief: (1) relief during drought periods, when imported water supplies delivered by the State spike in chloride concentrations and adversely impact the quality of recycled water discharges to the river; and (2) schedule relief to extend the TMDL compliance timeframe and lessen the immediate financial impact to the community by allowing the Sanitation District time to secure federal and state funding for project</p>	See Response to Comment 1.1.

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No.	Comment	Response
	implementation. The Sanitation District requests that the State Board delay the adoption hearing for Resolution No. R4-2008-012, so that further modifications to the TMDL can be explored to reduce the financial burden on our ratepayers, while still meeting the objectives of the TMDL to protect the beneficial uses of the Santa Clara River.	
3.1	Creation of a Well Field on the Property of the Rancho Camulos Owners would violate those owner’s due process rights and constitute a taking.	Staff disagrees. The amendment has no language stating that property will be taken in order to achieve the objectives.
3.2	Based on a review of the proposed amendments, it appears that, in order to achieve the objectives of Resolution No. R4-2008-012, a well field will be required to be created on the Rancho Camulos property. Page 4 of the Resolution states, “The proposed implementation activities under the AWRM, which will <i>increase chloride export from the East Piru groundwater basin underlying Reach 4B</i> , will offset an increase in chloride discharge.” The East Piru groundwater basin underlying Reach 4B referred to can only be read to mean the Rancho Camulos property.	Although Rancho Camulos property is located along Reach 4B of the Santa Clara river, the amendment does not state that a well field will be created on the Rancho Camulos property. The alternative water resources management (AWRM) program, which could be used to implement the TMDL, does not require extraction wells to be located on Camulos property either. Regardless, while the TMDL and site specific objectives were developed to support the AWRM program, implementation the AWRM program is not required. Stakeholders can comply with the site specific objectives in any method they choose as long as chloride load reductions and/or chloride export projects are in operation. If these conditions are not met, WLAs are based on existing water quality objectives for chloride of 100mg/L.
3.3	Page 5 of the Resolution also makes reference to an example of “extraction wells and water supply conveyance pipelines.” This term of “extraction wells” is undefined, but	See response to Comment 3.2.

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No.	Comment	Response
	when read in conjunction with the previous passage, can only refer to the creation of a well field on the Rancho Camulos property. In addition, the SSOs for Santa Clara River surface waters are specifically dependent on chloride load removed by <i>extraction wells</i> .	
3.4	Given Resolution No. R4-2008-012’s apparent reliance on a well field being created on Rancho Camulos property, the Rancho Camulos Owners are adamantly opposed to the proposed amendments. The Rancho Camulos Owners have not consented to the pumping of their groundwater and have no intention of entering into any agreements for that purpose. Further, despite the LARWQCB’s assertion that it is consulted with all affected stakeholders, the Rancho Camulos Owners have never been properly consulted regarding the proposed well field and have had no meaningful opportunity to comment on the proposed amendments.	<p>See responses to Comment 3.2.</p> <p>The Rancho Camulos Owners’ rights to use groundwater would not be adversely impacted. Operation of the extraction wells in the Piru basin can be arranged in a manner that should not affect Rancho Camulos Owners’ continuing operations. Modeling shows that the Piru well field would operate within historic drawdown ranges under the AWRM program. In addition, the drawdown from the AWRM program would be less than the drawdown from the “RO to the Ocean” option. Furthermore, groundwater quality should be improved over time by implementing the AWRM program.</p> <p>Staff disagrees that the Rancho Camulos Owners have never been properly consulted regarding the proposed well field and have had no meaningful opportunity to comment on the proposed amendments. Regional Board staff helped facilitate discussions with the Camulos Ranch and other stakeholders to participate in planning of the proposed well field. In 2007, the United Water Conservation District (UWCD) discussed the</p>

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No.	Comment	Response
		<p>proposed well field with the Camulos Ranch. On October 14, 2008 and November 12, 2008, the Camulos Ranch Company and its representatives met with Santa Clarita Valley Sanitation District (SCVSD), UWCD, and the Ventura County Water Coalition to discuss the AWRM program, including the proposed well field. Agreements were made among Camulos Ranch Company, SCVSD, and UWCD. Since 2005, stakeholder meetings have been held through a facilitated process in the Cities of Santa Clarita, Fillmore, and Santa Paula. All meetings were open to the public. On September 30, 2008, the Notice of Public Hearing for this item was mailed and e-mailed to all interested persons on the Regional Board’s Santa Clara River Basin Planning mailing list. Copies of the proposed resolution, Basin Plan amendment, draft staff report, and Substitute Environmental Document were posted on the Regional Board website. In addition, notice of the public hearing was published in the Ventura County Star, Daily News Los Angeles, and Santa Clarita Signal. The Camulos Ranch submitted a comment letter for the proposed Basin Plan amendment on November 14, 2008.</p>
3.5	<p>To the extent LARWQCB intends to utilize a well field to address the escalating chloride concentrations in the Santa Clara River, such a proposal would violate the due process rights of the Rancho Camulos Owners, as they have never</p>	<p>See responses to Comments 3.1 and 3.4.</p>

**State Water Resources Control Board Response to Comments –
 Basin Plan Amendment to adopt conditional site specific objectives (SSOs) for chloride and revise the upper
 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
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No.	Comment	Response
	<p>received sufficient notice of the proposed amendments or an opportunity to consent to them. Further, should LARWQCB attempt to utilize a well field on Rancho Camulos property, it would effectively be taking the Rancho Camulos property without just compensation in violation of the Fifth and Fourteenth Amendments of the United States Constitution.</p> <p>Given these serious constitutional concerns, we strongly urge the SWRCB to reject the proposed amendments and remand the matter to LARWQCB for further consideration.</p>	
3.6	<p>The conditional SSOs for Santa Clara River Surface waters are set too high. Table 3-8a in Attachment A of the SSO for Santa Clara River surface waters sets a chloride level of 117/130 (mg/L) or less for the area surrounding Rancho Camulos. This level is woefully inadequate, and if permitted, would decimate the agricultural uses of the Rancho Camulos property. Rancho Camulos farms several crops, including strawberries and avocados, both of which are adversely affected by the rising chloride levels caused by the upstream treatment plants. ARWM studies have indicated that maximum safe chloride levels for avocados are between 100-117 mg/L. Therefore, starting the triggering level for mitigation of chloride pollution at the top of this range, 117 mg/L, as the SSOs provide, is unacceptable.</p>	<p>Completion of the Literature Review and Evaluation (LRE) provided a scientifically defensible baseline to support a conditional SSO of 117 mg/L that is protective of the agricultural supply beneficial use (AGR). As a condition of the SSO, during periods when Reach 4B surface water exceeds 117 mg/L, the SCVSD shall provide supplemental water to salt-sensitive agricultural uses that are irrigated with surface water. In addition, the conditional WLAs for chloride for all point sources shall apply only when chloride load reductions and/or chloride export projects are in operation by the Santa Clarita Valley Sanitation District according to the implementation section in Table 7-6.1. If these conditions are not met, WLAs are based on existing water quality objectives for chloride of 100mg/L.</p>

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No.	Comment	Response
3.7	Simply put, the amendments do little to rectify the escalating chloride levels in the Santa Clara River, particularly as those levels continue to detrimentally affect agricultural uses. For this reason, in addition to those described above, the only appropriate action at this time is for the SWRCB to reject the amendments and remand the matter to LARWQCB for further consideration.	Staff disagrees; the special studies performed as outlined in the staff report are based on good science and have been supported by peer review. The conditional WLAs are appropriate and are protective of water quality and the surrounding environment. In addition, the amendment has been shown to be consistent with both state and federal antidegradation policies.
4.1	We are convinced that the facilities and management strategies described by the plan will adequately protect salt-sensitive crops in the lower Santa Clara River Valley, while also improving the quality and reliability of Ventura County’s water supply. That’s why the Farm Bureau, as a founding member of the Ventura County Agricultural Water Quality Coalition, endorsed the Memorandum of Understanding signed by various stakeholders, specifying the steps that will be taken to implement the AWRM.	Comment Acknowledged.
4.2	We are aware that opposition has arisen among utility ratepayers in the Santa Clarita Valley whose water-treatment bills must increase to finance construction of the facilities required to carry out the AWRM. It is likely that many of them will make their objections known during the comment period on this proposed Basin Plan amendment and at any future hearing before the State Board. Although we sympathize with those residents, we wish to emphasize that moral and legal responsibility for mitigating the chloride contamination currently harming crops and compromising groundwater quality in Ventura County properly rests with the dischargers — not the victims of that	Comment Acknowledged.

**State Water Resources Control Board Response to Comments –
Basin Plan Amendment to adopt conditional site specific objectives (SSOs) for chloride and revise the upper
Santa Clara River Chloride Total Maximum Daily Load (TMDL)
Comment Due Date: 12pm, September 3, 2009**

No.	Comment	Response
	contamination.	
4.3	We would also point out that agricultural landowners in Ventura County are spending a great deal of money to address water-quality impairments caused by their own farming operations. In addition, urban residents in Ventura County communities that discharge treated wastewater into the Santa Clara River also have agreed to pay dramatically higher utility bills to mitigate the chloride contamination for which they are responsible. In other words, Ventura County residents are doing their part to clean up the Santa Clara River, and we welcome the participation of our upstream neighbors in Los Angeles County in this effort to address an issue of regional concern.	Comment Acknowledged.
4.4	As a committed supporter of the AWRM, the Farm Bureau of Ventura County urges the State Water Resources Control Board to approve the Basin Plan amendment necessary for the program’s implementation. We commend our fellow stakeholders, particularly the current leadership of the negotiating team for the Santa Clarita Valley Sanitation District of Los Angeles County, for helping make possible this groundbreaking approach to water-quality improvement.	Comment Acknowledged.
5.1	United Water Conservation District (“United Water”) is responsible for groundwater management in seven of the groundwater basins in Ventura County. As part of this responsibility, United Water had adopted a Groundwater Management Plan (under AB 3030) for the two groundwater basins just downstream from the Los Angeles	Comment Acknowledged.

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 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
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No.	Comment	Response
	<p>County line along the Santa Clara River (the Piru and Fillmore basins). United Water has for years regularly monitored both surface and groundwater in these basins for flow, groundwater elevations, and water quality. As the result of this monitoring, United Water first raised the alarm on the degradation of groundwater quality that was occurring in the eastern portion of the Piru basin. United documented that this degradation was the direct result of the degraded water quality in the Santa Clara River as the result of discharges from the waste water treatment plants in adjacent Los Angeles County. These data have been instrumental in the long process of settings water quality standards and finding a solution to this degradation of groundwater.</p>	
5.2	<p>After years of studies conducted on the water quality in the Santa Clara River corridor funded by the Los Angeles County Sanitation Districts, and significant acrimony on all sides of the issue, a watershed-wide group of organizations started working on a physical solution to the degradation problem. This collective effort from both Los Angeles and Ventura counties was lauded by both the Los Angeles Regional Water Quality Control Board and members of the State Board. The solution worked out by the parties, known as the Alternative Water Resources Management Plan (AWRM), requires significant future effort by agencies in both counties. It also helps solve a problem just starting to be addressed in California, the management of salts.</p>	<p>Comment Acknowledged.</p>
5.3	<p>The physical solution for the salts problem is not inexpensive, as Ventura County has long known in the decades-long fight against seawater intrusion. Recently, the</p>	<p>Comment Acknowledged.</p>

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No.	Comment	Response
	<p>Santa Clarita Sanitation District Board of Directors and some of their constituents have questioned the expense of the salts solution and the increase in their sewer rates. United Water is familiar with these objections to increased sewer rates, having sat beside Jon Bishop (then Executive Officer of the LA Regional Board) and city staff during hearings on the large sewer rate increases that have been adopted by the cities of Fillmore and Santa Paula to fix water quality problems in their discharges to the Santa Clara River. Although United Water sympathizes with the public on any rate increases, the ratepayers of Santa Clarita can find solace in the fact that ratepayers in Fillmore and Santa Paula are paying higher rates than those proposed for Santa Clarita (even though those two Ventura County cities are among the poorest in the county). Fixing water quality problems is simply not cheap.</p>	
5.4	<p>The other objection to the AWRM that we have heard from Santa Clarita politicians and residents is that Ventura County is somehow receiving a windfall from the proposed project. Although the AWRM will indeed help combat seawater intrusion, it will be accomplished by helping dispose of Santa Clarita’s salts that had no other place to go. The alternative to United Water taking this water to combat seawater intrusion would have been the original plan – build a brine line to the ocean – that would have been more expensive than the AWRM and meant even higher sewer rates in Santa Clarita.</p>	<p>Comment Acknowledged.</p>
5.5	<p>It should be noted that while the AWRM goes through its planning and regulatory stages, the groundwater of the Piru basin continues to degrade from the Los Angeles County discharges into the Santa Clara River. United Water has</p>	<p>Comment Acknowledged.</p>

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No.	Comment	Response
	long warned that the degradation would not be limited to the eastern portion of the Piru basin (east of the confluence with Piru Creek), but would migrate downgradient towards the main part of the basin. That has now occurred, with groundwater degradation west of Piru Creek. Thus, time is of the essence in bringing the AWRM solution to fruition.	
5.6	The Site-Specific Objectives (SSOs) for Chloride and revisions of the Upper Santa Clara River Chloride Total Maximum Daily Load (TMDL) are an integral part of implementing the AWRM. Thus, United Water requests that the State Water Resources Control Board approve the basin plan amendment necessary for implementation of the AWRM.	Comment Acknowledged.
6.1	The Water Coalition is a diverse group of local agricultural, business and related organizations which joined together in 2004 to participate in the Regional Board's Chloride TMDL Implementation Plan public process. At the time, little was known about the Chloride Implementation Plan, including its potential impact upon Ventura County interests, especially the local agricultural industry. Many of the industry's stakeholders have farming operations along the Upper Santa Clara River that would be directly impacted by the Implementation Plan. The Coalition was formed to give all of these stakeholders the opportunity to be heard before the Regional Board, and ultimately before the State Board. The Coalition has participated in virtually all of the 38 stakeholder meetings of the Technical Working Group established under the Implementation Plan. It has also participated and given testimony a number of times before the Regional Board and has appeared before this Board. The Coalition is also a party to the Memorandum of	Comment Acknowledged.

**State Water Resources Control Board Response to Comments –
 Basin Plan Amendment to adopt conditional site specific objectives (SSOs) for chloride and revise the upper
 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
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No.	Comment	Response
	<p>Understanding, an agreement executed by all of the major stakeholders pursuant to the Alternative Water Resources Management Plan (AWRM) now before the Board. This collaborative and innovative plan, developed by the stakeholders to address water-supply and water-quality needs throughout the entire watershed, will make it possible for dischargers to comply with the Upper Santa Clara River Chloride TMDL at a substantially reduced cost, while, at the same time, providing numerous other important water-quality benefits to the watershed community.</p>	
6.2	<p>The AWRM, which has been in the process of development since November 2007, is a watershed based approach to managing chloride discharges in the Upper Santa Clara River and underlying groundwater basins. The intended goal of the AWRM is to provide, <i>inter alia</i>, (1) a reduction in chloride levels in recycled water through automatic water softener removal and conversion to ultraviolet disinfection for wastewater treatment; (2) construction of a small-scale (MOD MFRO) advanced treatment facility of wastewater and local brine disposal; (3) introduction of supplemental water to reduce chloride levels in the Santa Clara River; (4) the provision of alternative water supplies to protect chloride-sensitive agriculture, when necessary; and (5) construction of a well field to remove high-chloride groundwater in Ventura County from the watershed. The foregoing components have been vetted by the stakeholders to the AWRM process and resulted in a Memorandum of Understanding detailing the various obligations of each of the stakeholders for compliance with the goals set forth in</p>	<p>Comment Acknowledged.</p>

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 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
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No.	Comment	Response
	<p>the AWRM. This process was completed when the Los Angeles Regional Water Quality Control Board issued a unanimous decision on December 11, 2008, adopting the AWRM as an alternative means to accomplishing the goals set forth in the Chloride TMDL Implementation Plan. The Coalition wholeheartedly believes and is convinced that the facilities and management strategies developed in the AWRM plan will adequately protect chloride-sensitive crops in the lower Santa Clara River Valley, while also improving the quality and reliability of Ventura County's water supply. That is why the Farm Bureau of Ventura County, and the Ventura County Agricultural Association, the founding members of the Water Coalition, have endorsed the Memorandum of Understanding signed by the various stakeholders, to move this process forward.</p>	
6.3	<p>Of course, the Water Coalition is not unmindful of limited opposition that has recently arisen among many of the utility ratepayers in the Santa Clarita Valley whose monthly water bills will be increased moderately to finance the construction of the facilities required to carry out the AWRM. Similarly, however, this Board's adoption of the AWRM will likely result in an almost 50% reduction in the cost of the original Chloride TMDL Implementation Plan, Alternative No.1. While the Water Coalition sympathizes with the concerns of some of these ratepayers, ultimately, as the downstream beneficial users of this effluent water, the downstream stakeholders look to this Board for effective enforcement of the State's Anti-Degradation policy and related protections of beneficial users of the State's Porter-Cologne Act. As the Farm</p>	<p>Comment Acknowledged.</p>

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 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
 Comment Due Date: 12pm, September 3, 2009**

No.	Comment	Response
	<p>Bureau of Ventura County has pointed out in a companion comment letter in support of the AWRM, many agricultural landowners in Ventura County are also spending a great deal of money to address water-quality impairments caused by their own farming operations. In addition, urban residents in Ventura County communities such as Fillmore and Santa Paula, who discharge treated wastewater into the Santa Clara River have also agreed to pay dramatically higher utility bills in order to mitigate the chloride contamination for which they are responsible. Thus, Ventura County residents are doing their part to clean up the Santa Clara River and they welcome the participation of their upstream neighbors in Los Angeles County in this effort to address an issue of regional concern.</p>	
6.4	<p>The Water Coalition would also like to take this opportunity to commend many of the stakeholders, in particular, the current leadership of the negotiation team for the Santa Clarita Valley Sanitation Districts of Los Angeles County, and many of the upper basin water purveyors, for making this innovative and collaborative approach to water quality improvement a reality. Lastly, we would be remiss in failing to commend the outstanding efforts of the staff of the Los Angeles Regional Water Quality Board assigned to this difficult TMDL process. Both the staff and Board members have been unyielding in their commitment to achieving the water quality objectives while allowing sufficient creativity to make this collaborative approach a reality.</p>	<p>Comment Acknowledged.</p>
6.5	<p>For all of the foregoing reasons, the Ventura County Agricultural Water Quality Coalition respectfully requests</p>	<p>Comment Acknowledged.</p>

**State Water Resources Control Board Response to Comments –
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 Santa Clara River Chloride Total Maximum Daily Load (TMDL)
 Comment Due Date: 12pm, September 3, 2009**

No.	Comment	Response
	that the State Water Resources Control Board approve the basin plan amendment necessary for implementation of the AWRM.	