

Comments from Agua Dulce Town Council Regarding Approval of File 20-105

Purdy, Renee@Waterboards <Renee.Purdy@waterboards.ca.gov>

Fri, Mar 11, 2022
at 12:41 PM

To: Mary Johnson <maryjohnson767@gmail.com>, Don Henry <bh33605@aol.com>
Cc: "Austin, Tamarin@Waterboards" <Tamarin.Austin@waterboards.ca.gov>, "Yee, Lawrence@Waterboards" <Lawrence.Yee@waterboards.ca.gov>, "Nahai, David@Waterboards" <David.Nahai@waterboards.ca.gov>, Candy Clemente <CCCRyder@aol.com>, Chris Yewdall <cyewdall@msn.com>, Kathryn Segura <phdanimals@yahoo.com>, Lou Vince <Lou@louvince.com>, Scott Keller <scottwilliamkeller@gmail.com>, "Gallon, Celine@Waterboards" <Celine.Gallon@waterboards.ca.gov>

Dear Mr. Henry:

Thank you for your letter (attached for reference). Your letter primarily focuses on the presence or absence of a wastewater treatment system versus the use of septic systems on the site. In the event the development chooses to proceed with septic systems, the process for that authorization would be governed by the Los Angeles County Division of Environmental Health. If the development builds a wastewater treatment plant, the construction of that plant would be governed by the Los Angeles County Department of Regional Planning and the discharge from that plant would be governed by waste discharge requirements (WDRs) issued by the Los Angeles Water Board. We do not have a report of waste discharge (in effect, a permit application) from the developer at this time. Any draft WDRs would be circulated for public comment before adoption.

You have also asked that staff be directed to respond promptly to the Agua Dulce Town Council on the above issue, "outlining a plan of action to remedy the situation." As stated above, no report of waste discharge is pending before the Los Angeles Water Board. We appreciate your concerns about the discharges of wastewater from the development and will include you on the list of interested persons to receive notice of any draft WDRs that may be proposed for adoption in the future. We have recorded you, as the Town Council President, as an interested party who would receive a copy of any draft WDRs.

The WDRs recently issued by the Los Angeles Water Board during the February Board meeting did *not* authorize septic systems or a wastewater treatment plant. The WDRs were focused on the very narrow issue of dredge and fill of ephemeral streams on the site as part of the planned grading. Your letter asks that the Executive Officer issue an immediate stay of the permit, but does not

substantively address how the permit is related to the above issues concerning septic systems and a wastewater treatment plant. Procedurally, any amendment or rescission of WDRs requires a vote by the full Board. In view of the absence of any discussion relevant to the WDRs adopted by the Board, I am declining to recommend that action at this time. As you know from the email sent by Céline Gallon on March 8, 2022, any person who is aggrieved by an action by a Regional Water Board may file a petition for review with the State Water Resources Control Board in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of the Order. In this case, the deadline to petition the Los Angeles Water Board's February 9, 2022 action to issue the WDRs to the State Water Board is tomorrow, March 12. Because March 12 is a Saturday, a petition can be filed on the following Monday, March 14. More information on filing petitions can be found here: [State Water Resources Control Board \(ca.gov\)](https://www.waterboards.ca.gov).

You have asked that staff undertake an immediate in-person, on-site inspection to document any grading performed by the developer. Just this week, staff have confirmed that grubbing has been performed on the site in compliance with the California Department of Fish and Wildlife Streambed Alteration Agreement. Construction of a water line has also begun off-site, but there is no grading occurring at the site. As of March 10, 2022, staff confirmed that the County had not yet issued a grading permit.

Sincerely,

Renee Purdy

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