

# The Agua Dulce Residential Project

Summary of community input  
Agua Dulce Town Council meeting  
Wednesday March 9<sup>th</sup>, 2022

# Agenda

- Scope of issues raised
- The planning and permitting process
  - EIRs, SEIRs, CEQA, CUPs, Tract Maps
- The planning milestones of the project from 1992-2022
- Areas of concern
  - Wastewater entitlements
  - The Wastewater Treatment Plant
  - Municipal water authorities and guarantees for Phase 2
  - Potential impact of geopolitical events on the developer and developer intent
- Next steps/action items

## A quote that sums up community sentiment

“It’s like watching a train wreck that’s about to happen. The train shouldn’t have left the station and the locals know that there’s a problem on the track a little further down the line that will derail the train in the middle of their town. The locals are getting 3 minutes each to frantically wave at the train from the side of the track to try to get it to stop while the developer’s train driver along with the passengers from the local agencies in the carriages wave back from the comfort of their seats as if nothing is wrong.”

# Scope of issues raised by the community

- Status/validity of developer's alleged wastewater entitlements
- Lack of completeness in the documentation identified as necessary in the SEIR and CUP for the wastewater treatment plant construction
  - Environmental documents, treatment plant plans and studies, water requirements for a large scale reverse osmosis water treatment system
- Authority of District 37 to guarantee water supply to Phase 2
- Developer intent and ability to fund the development
- Lack of understanding by LA County Regional Planning as the lead agency that is causing 'downstream' permits to be issued

# The planning and permitting process

- What is an Environmental Impact Report?
  - Describes the project and discusses the potential impacts of the proposed project at a sufficient level of detail to create an understanding between the developer, local government agencies and the community about the impact of the proposed project
  - The developer expresses the entitlements that they want to be granted to develop the project – e.g. build houses, put in roads/sidewalks, storage tanks, sewers etc.
  - Created within the framework of the California Environmental Quality Act (CEQA) intended to inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to mitigate (minimize) the significant effects, and describe reasonable alternatives to the project
  - The lead agency publishes notices of the Draft EIR to the community and agencies, entities that are impacted by the project (Public Works, Fire Department, Native American, Watershed, local council, nearby homeowners etc.) and solicits input to the draft via outreach such as public comment periods and public hearings etc.

# The planning and permitting process

- The scope of CEQA

Geotechnical hazards	Flood hazards/water quality	Biological resources
Traffic circulation/access	Air quality	Noise
Aesthetics/visual quality	Land use	Socioeconomics
Population/Housing	Environmental Safety	Cultural resources

Public Services & Utilities :

Law enforcement	Fire Protection	Educational Facilities
Health Services	Library services	Wastewater Disposal
Trash disposal	Electricity	Natural Gas
Telephone		

# The planning and permitting process

- What is a Final Environmental Impact Report?
  - After the comment period has ended, a final draft of the EIR is produced that addresses all the findings and determines the level to which the extent to which the impacts that have been identified can be mitigated
  - A Statement of Overriding Consideration can override issues that cannot be mitigated
  - Agencies responsible for ensuring compliance with the mitigation measures during permitting and construction of the project are identified (MMP)
  - The accompanying Tentative Vesting Tract Map is finalized
  - A Conditional Use Permit is prepared that authorizes the entitlements that the developer has requested and spells out the conditions for exercising the entitlements
  - Lead agency staff make a recommendation to the Planning Committee to approve the Final EIR and it is then approved

# The planning and permitting process

- What is a Supplemental Environmental Impact Report?
  - Sometimes, changes are required to the project after approval of the Final EIR
  - CEQA helps determine whether the changes are considered significant
  - The SEIR only considers the subset of issues that have changed since the EIR
  - Follows the same draft, notice, comment and finalization process as an EIR
  - Includes revisions to tract maps and revised findings, mitigation measures and a revised Conditional Use Permit
  - Follows the same approval process as the underlying EIR
  - Like an EIR, challenges under CEQA to the new changes created by the Final SEIR are only allowed for a certain period after it is approved



# The planning and permitting process

- Vesting Tentative and Final Tract Maps
  - When a project is approved a Vesting Tentative Tract Map is approved
  - The Developer records the map with the LA County Recorder's Office and the site is then subdivided into the individual lots described on the VTTM
  - Once recorded the map is considered a Final Tract Map
  - The VTTM has an initial expiration period of 2 years that can be extended by the lead agency by another 2 years or paused for a 'moratorium'
  - Where infrastructure improvements outside the project area are required, a State level law in Title 7 extends the expiration of approved VTTMs by 10 years
  - In September 2020, AB 1561 extended expiration dates of tentative tract maps set to expire before December 31 2021 by 18 months due to the pandemic
  - On expiration of a Vesting Tentative Tract Map, the associated Conditional Use Permit typically expires and requires re-submission by the developer

# The project – Public Documents

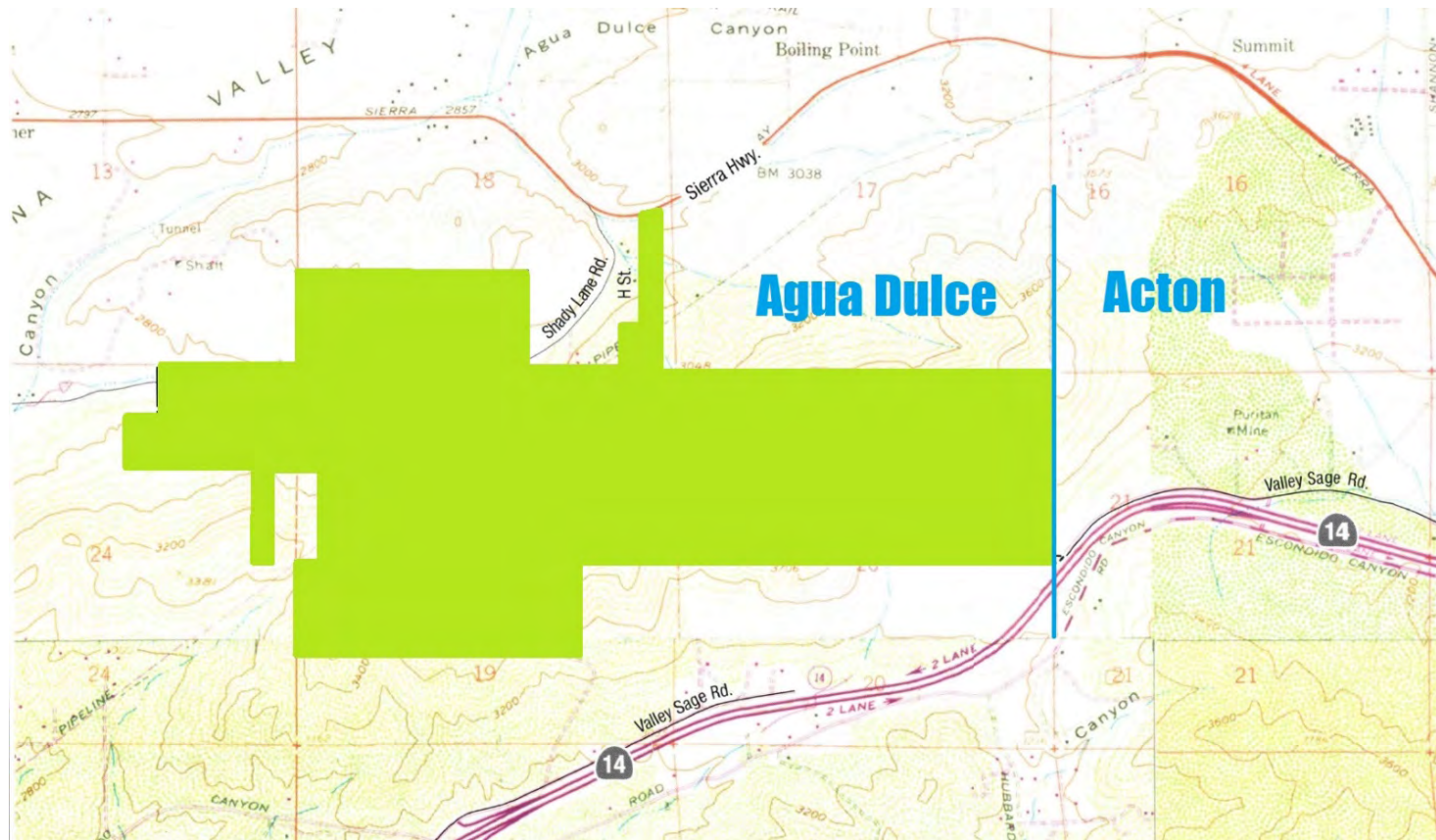
- The documents referenced are available at this link:

<https://planning.lacounty.gov/case/view/tr50385>

The screenshot shows a web browser window with the URL <https://planning.lacounty.gov/case/view/tr50385>. The page title is "and Hearing Information" and the main heading is "Vesting Tentative Tract Map No. 50385". On the left side, there is a "Metadata" section with the following information: Author: Web Admin; Created On: Nov 15, 2021; Last Updated: Feb 17, 2022; Page Feedback: Email; Case Status: open; Filed Under: No categories assigned to entry. The main content area is titled "Case Downloads" and contains a list of documents for download, organized into several categories:

- 2007 Approval and Related Documents
  - Revised Map TR50385 2007 Approval Package (PDF)
  - Revised Map TR50385 Approved 2007 Map (PDF)
  - TR50385 Staff report to the Planning Commission (PDF)
  - Hearing notice & vicinity map (PDF)
  - Site posting locations (PDF)
  - 2007 Town Council support letter 3-14-07 (PDF)
  - DRP notice letter to Town Council 2-14-07 (PDF)
  - News ad public posting 2-3-07 (PDF)
  - SEIR Notice of Preparation (NOP) & Initial Study 2-16-06 (PDF)
  - 2007 Final SEIR Approval with Mitigation Measures (PDF)
  - 2007 Agua Dulce FSEIR Bounded RPC Version (PDF)
- 2002 Approval Documents
  - 2002 Amendment Approval Letter (PDF)
  - 2002 Approved Amended Map (PDF)
- 2001 Approval Documents
  - 2001 REA (building pad locations) (PDF)
- 1994 Approval and Related Documents
  - FEIR Addendum - Response to Comments April 1994 (PDF)
  - 1994 Tentative Map Approval Letter (PDF)
  - 1994 Approved Tentative Map (PDF)
  - 1994 Approved Exhibit A Map (PDF)
  - 1994 Final EIR Approval with Mitigation Measures (PDF)
  - 1993 Public Correspondence (PDF)
  - 1993 DEIR (PDF)
  - 1993 DEIR Technical Appendices (PDF)
  - 1992 Viewshed Study (PDF)

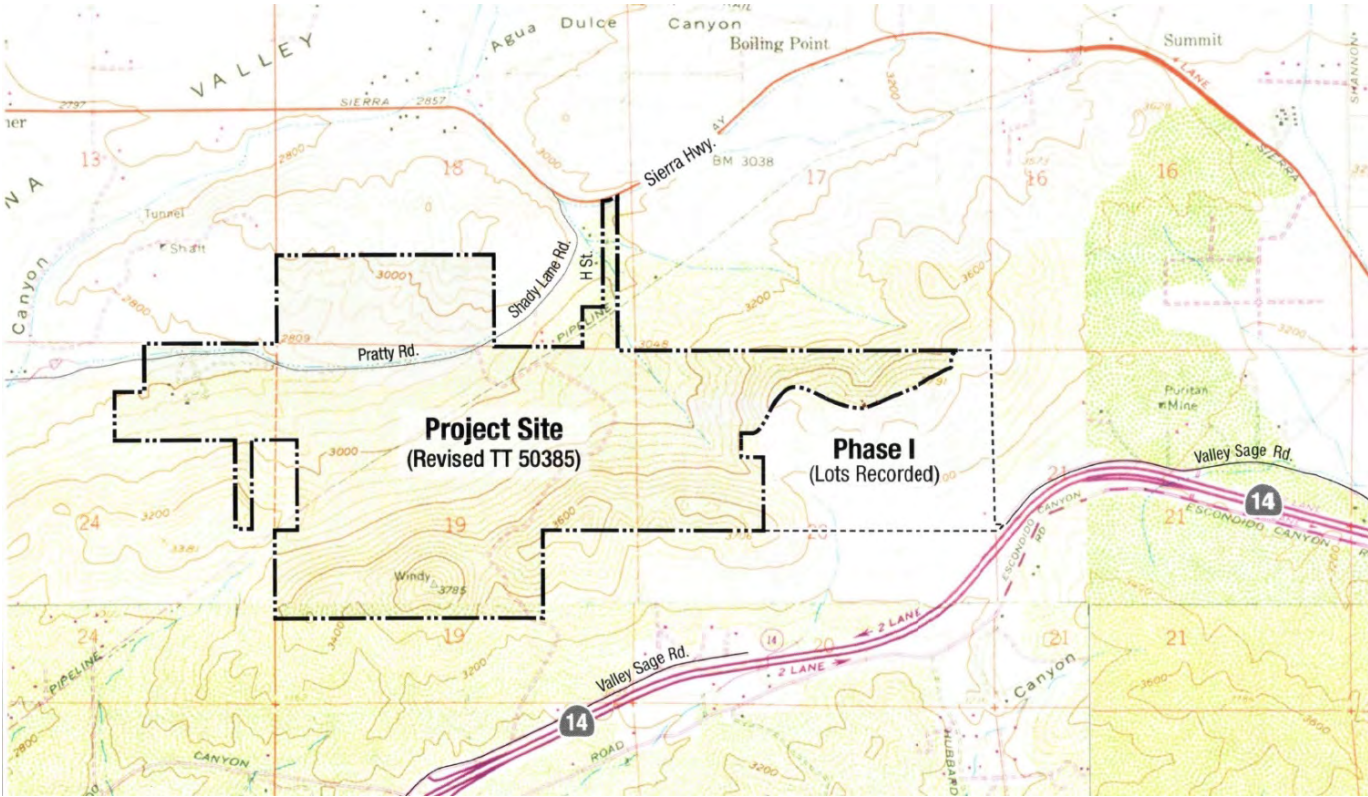
# The project location – Tentative Tract 50385



# The project approved in the 1994 EIR

- 12 construction phases on a 908 acre project site approved on May 18 1994
- 339 homes on 2 acre gross lots with internal private streets
- 3 water tank lots
- 3 permanent open spaces over 157 acres
- Construction of H Street (gated) to connect to Sierra Highway near Shady Ln.
- Construction of the first 3 phases of 68 homes with septic systems and dry sewers (Phase 1). Septic permit 91-94 issued in 1992 by RWQCB
- No building permits for phases 4-12 (Phase 2) until a connection to an offsite wastewater treatment plant to be built at the Rio Dulce Project 2.5 miles to the Southwest at which point Phase 1 will be connected to the wastewater plant
  - Final 1994 EIR Response to Comments – P 4.3-24 response to Comment 29

# The 1994 project map



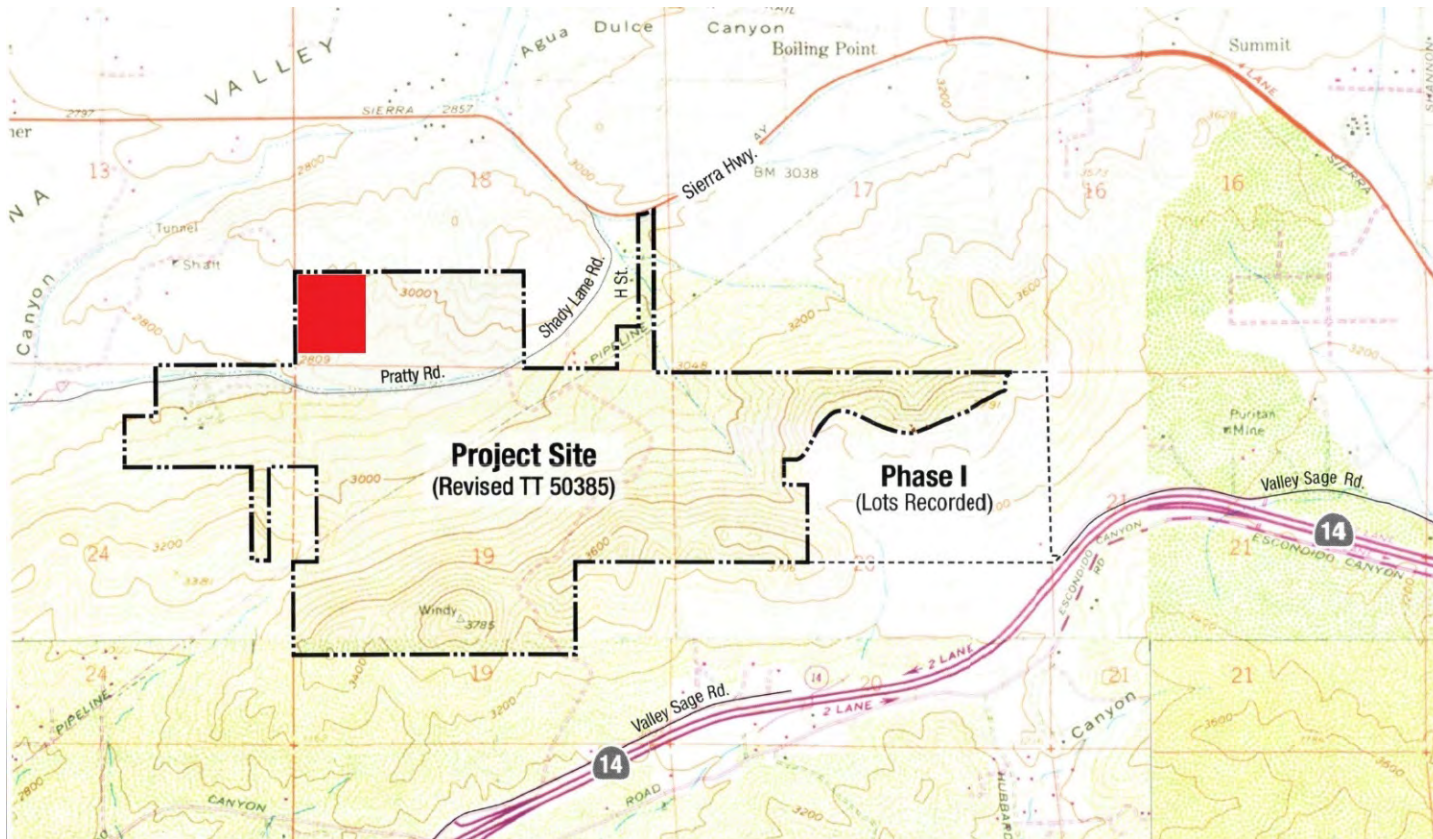
# Significant events after the 1994 approval

- The Rio Dulce Project (Tentative Tract 50259) did not proceed
- A wastewater treatment plant solution was therefore required
- Valley Sage Partners LLP (Louis Pratty) sold the development to B&C Land and Water, LLC (Fred Brown & Nicholas Coussoulis)
- The first 3 phases (Phase 1) on May 15 2002 were recorded after making lot line adjustment to several lots to meet the requirements of the Agua Dulce CSD
- The expiration of the approved Tentative Tract Map was extended until April 11 2007 due to the sewage disposal concerns in the absence of the off-site option
- The developer was required to develop a wastewater treatment solution for this project and also 61 homes in the Sierra Colony that operate on septic systems

# The project approved in the 2007 SEIR

- Still a single project but changes primarily required in 'Phase 2' tract map
- Approved on April 11, 2007
- 315 (68 Phase 1 + 247) homes on 2 acre gross lots with internal private streets
- 2 water tank lots to hold potable (municipal) and irrigation (recycled) water
- Construction of a 'conceptual' membrane bioreactor reverse osmosis water treatment system on site to treat wastewater and produce irrigation water
- The on site wastewater treatment plant is to be used **instead of** the previously planned septic systems and offsite wastewater plant
- Construction of the wastewater treatment plant begins as soon as the Phase 2 map is recorded and the SEIR assumes that since connection of Phase 1 to the treatment plant is now proposed, Phase 1 will start at the same time as Phase 2

# The 2007 project map





# Significant events after the 2007 approval

- B&C Land and Water applied to the Regional Water Quality Control board to have the septic permit 91-94 terminated in April 2012
- B&C Land and Water, LLC sold the project in 2019 to RTG Investment LLC (Ruben T. Grigoryan)
- Los Angeles County Dept of Public Health assumed responsibility for issuing septic system permits under the Local Area Management Plan (LAMP) in 2018
- A streambed alteration permit (1600-2020-0157-R5) was issued in September 2020 to the developer by the Department of Fish & Game
- A Waste Discharge Requirements (WDR) Water Quality Order (R4-2021-XXXX) was approved on February 10<sup>th</sup> 2022

# February 10<sup>th</sup> 2022 RWQCB meeting

- The comments referenced are available at this link:

<https://cal-span.org/unipage/?site=cal-span&owner=RWQCB-LA&date=2022-02-10>

- Members of the community had provided both oral (and subsequent written) comments during a January 14<sup>th</sup> Zoom meeting with RWQCB staff
- Members of the community attended the February 10<sup>th</sup> meeting and provided additional comments to the response from staff to the RWQCB board
- Representatives of the developer attended the February 10<sup>th</sup> meeting and answered questions from the RWQCB board members under oath
- Several board members expressed their shared concerns over the project and discussed the possibility of delaying their approval pending further investigation

# February 10<sup>th</sup> 2022 RWQCB meeting

- Board member David Nahai questioned the developer's representatives, Braiden Chadwick (outside legal counsel) and Bonnie Rodgers (consultant)[2:24]
- [2:28] D. Nahai – “Where the water supply is going to come from, has it been secured, do you have signed commitments, are they for the first 68 units, are they for the entire 274 units that you intend to build?”
- B. Chadwick “The Antelope Valley East Kern water agency, or AVEK will provide the wholesale water supplies to LA county Waterworks District Number 37. District 37 is the retail water purveyor which purchases water from AVEK on a wholesale basis and provides that water directly to customers for use. So both AVEK and District Number 37 **have already committed to provide water to the project** and in fact the water's already been paid for. So we can go into that if you'd like to, but essentially that information obviously, as well as evidence of that was provided to staff. Staff then went and confirmed that those facts with Los Angeles County and so water supply for the project, again, not relevant to this permit before us, that has been confirmed.”

# February 10<sup>th</sup> 2022 RWQCB meeting

- [2:29] D. Nahai – “And that’s for the entire contemplated project?”
- B. Chadwick “Only for Phase 1, **the second Phase has not been applied for.**”
- [2:30] D Nahai – “So when we’re talking about the project, we’re talking about the 68 homes?”
- B. Chadwick “That is correct. That's for this phase [before] the project. The secondary phase again has not been applied for either. So I think that the issue is that what we're talking about today is just this phase one, which is just a few homes. **So what we're talking about [is] the 68 homes.**”

# February 10<sup>th</sup> 2022 RWQCB meeting

- [2:30] D. Nahai – “On the issue of wastewater, because there was some question about, some will be on septics and then there will be a wastewater treatment plant and where it'll be located and so on. Can you elaborate on what the detailed plans are for how to deal with wastewater from the project?”
- B. Chadwick “I just want to make sure it's very clear for the public, kind of what the scope of what we're talking about is, because I think that's important to remember here for a lot of the commenters and this question's a great example of that. There was a lot of comments about **the wastewater treatment plant that was proposed and approved as part of the 2007 SEIR for the project**. That is not part of what's in front of the board today, and **that's not even been applied for before the regional board. That's a whole separate permitting process and that has to do with the second phase of the project**. So wastewater treatment, if we want to go back to this phase, which is the 68 homes, **the EIR states that for the first three phases of the proposed development, which is the 68 homes we're talking about, wastewater disposal is through the individual septic tanks on each of the 68 residential lots**. And the phase two residential lots will utilize the regional sewer system, sewerage treatment plant for wastewater treatment and disposal. **I'll note for benefit of the multiple commenters at last month's workshop, which we attended, and the commenters here today before the board that the regional sewer system sewer treatment plant is not currently before the regional board nor is applied for as part of this approval.**

# February 10<sup>th</sup> 2022 RWQCB meeting

- [2:32] D. Nahai – “In terms of the entitlements then for the project, could you give us in detail where you stand? Because we've been told that that this is a project that's already been approved. At the same time though, a critical component of the project, how the waste from the project is going to be dealt with is something that's to be left for another permit for another day. So where does the project stand in terms of all of its entitlements?”
- B Chadwick “So the, the initial permitting for the project is complete. So in other words, this is the land use permits and CEQA certifications are complete for the project. The ancillary permitting, and this is where all the rest of the alphabet soup of agencies get involved, is not complete for the project...And so for the public's sake, it's kind of a multi-tiered approval process where you have the initial approval by the land use authority and lead agency, which happens at LA county, and then secondarily by the, by the responsible agencies, which include the Regional Board as we're here today, as well as the California Department of Fish and Wildlife species and streambed alteration agreements. So for phase one, which I'll call the first 68, **these 68 homes, which are again independent**, and part of phase 1, the permitting is substantially complete both at the first phase, as well as the second. And for phase 2, the permitting has not been achieved yet, because again, as with a lot of home developments or maybe all home developments that I've worked on in the past 20 years, there are multiple phases where **you don't apply for the permits that you need too far in advance of when you're going to build the homes**. Because again, **for things like wastewater treatment plants** and things of that nature, [where] **substantial permitting effort, even with ancillary permits, but also investment funding** [is required], to make sure that those are not done too far in advance of when building would start.”

# February 10<sup>th</sup> 2022 RWQCB meeting

- [2:36] D. Nahai – “When do you anticipate then that the entire picture about how waste from the property is going to be dealt with that whether it be for septics?”
- B Chadwick “For the septic, **once the WDR is issued, then the developer can go to the County and work with the County process on issuance of septic.** And of course that has its own requirements, which this board has had to approve independently of the County process, but the County process has been approved with the board and that process will have to be undertaken by the developer for each individual lot on the septic. **When it comes to,** again, this goes out far beyond, what we're talking about today, but **the wastewater treatment plant,** which is not a part of the approval today, **I honestly don't know when that permit will be submitted to this board for consideration.** But that will be its own lengthy process and will involve a similar procedure than we went through today, or rather it's going be much, much grander procedure than we went through today. **Because it does require, more analysis and things,** and the siting of that plant and things is a whole another kettle of fish as it were.”

# February 10<sup>th</sup> 2022 RWQCB meeting

- [2:29] D. Nahai – “The contemplation though is **septics initially, and then sewage treatment plant sometime down the line**. Do I understand that correctly?”
- B. Chadwick “**That's correct. That's correct.**”



## February 10<sup>th</sup> 2022 RWQCB meeting

- [2:47] D Nahai – **“I listen to Mr. Chadwick very, very carefully, and there are parts of the future of this project which I really would like to see come into some greater focus. That's where my conflict lies in making the decision on this today.** So I’m very happy to hear from staff as to whether there is some kind of overarching urgency for us to move on this today. Whether we can provide an opportunity on some of these aspects that we we've talked about, for there to be greater clarity or what.”

# February 10<sup>th</sup> 2022 RWQCB meeting

- [2:57] B Chadwick– “I just had two very quick comments to answer some questions the board may have had. First being board member Nahai in terms of the phases of the project. **The developer could if they wanted to just let the [RTVT] map expire on that second phase of the project if they wanted to.** So this does constitute and it has kind of encapsulated all together in kind of what I'll call the immediately foreseeable project is what you're looking at before you. **So, they [the developer] could, if they wanted to, just abandon the second phase if they presume to.** So for purposes of this WDR approval, which is again, just voting on the first phase, **I respectfully disagree that, that we need to have conclusive plans for the second phase prior to issuance of a WDR.** I'll refer your counsel on that, on the second issue on CEQA, it may be helpful to pull some language from the California Supreme Court on the issue which says that in the case of the certified EIR, **CEQA mandates at the EIR be conclusively presumed valid**, unless a lawsuit has been timely brought, and that after certification of an EIR, the interests of finality are favored over the policy of encouraging public comment. And again, from the Court, for the purposes of the EIRs use by responsible agencies, unless the provisions of Section 2166 are applicable, which your attorney and staff has concluded they are not, that the provisions of public resources code, which are not applicable. **The regional board must presume that the 1994 EIR and the 2007 SEIR fully comply with CEQA are conclusively presumed to comply with the provisions of CEQA for purposes of their use by responsible agencies.** So I would just mention that **these certified environmental documents that were approved pursuant to CEQA, by this agency, should be conclusively presumed to comply with the provisions of CEQA for the purposes of issuing your ancillary approvals.**”

# Community concern #1 - entitlements

- The wastewater entitlement approved in the 2007 SEIR no longer allows for the installation of septic systems in Phase 1
- Based on testimony at the recent February 10<sup>th</sup> RWQCB meeting where the WDR was approved, this is clearly the developer's intent
- 2006 SEIR Notice of Preparation – Page 2 'Project Background'

“The revision entails providing an on-site water reclamation facility **instead of the previously planned septic systems for the 68 residential lots** and the previously-planned off-project water reclamation facility for the remaining residential lots.”
- March 2007 Staff report to planning commission – Page 1 'Project overview'

“Water Reclamation: Previously, an offsite water reclamation facility was approved for the project. The revised map proposes **an onsite water reclamation facility in lieu of the previously planned septic systems for the 68 residential lots** and offsite water reclamation facility.”

# Community concern #1 - entitlements

- April 2007 Final Bound SEIR – Page 2-2 ‘Grading and Construction Program’

“The wastewater reclamation facility, which can begin operation with a service area of 50 homes, would begin as soon as Phase 2 of tract 50385 is approved and recorded. Development of the homes will begin in June 2008, with buildout estimated for June 2014. **Construction of the recorded portion of the site could occur at any time; however, as connection to the wastewater treatment plant is now proposed, this supplemental EIR assumes that portion will be constructed within the same timeframe as Phase 2 of Tract 50385.**”
- February 14 2007 B&C Land and Water presentation to Agua Dulce Town Council  
D. Bushore, B & C Land and Water: “We could build 68 homes without the wastewater treatment plant. **We would rather not go with septics.** We think the collection system is the right way to do it and that's the way to deal with it.....so **we have delayed construction of that 68 lots to get the wastewater treatment plant approved. We'll build it ahead of time** and when we start the first 68 lots we'll pump it over that saddle and gravity feed to the treatment plant....so we're not going to have any septics on this project whatsoever even though we are permitted to have 68.”

# Community concern #1 - entitlements

- **The intent to construct Phase 1 without septics**, expressed in the SEIR documents and conveyed by the developer to elicit support for the project from the community, **is clear and unambiguous**.
- While the SEIR did not change the Tract Map for Phase 1, it did change the wastewater entitlement, replacing the septics with a wastewater treatment plant
- When the developer terminated the Phase 1 septic permit in 2012, it left a series of pre, during and post construction mitigation measures and CUP conditions without an underlying reference permit. (1994 Final EIR Approval with Mitigation Measures, Mitigation Measures Pages 41-46)
- There is **no longer a wastewater septic entitlement** under which Los Angeles County Dept of Public Health could issue a new septic permit for lots in Phase 1

# Community concern #1 - entitlements

- Average rainfall in Agua Dulce (taken from Weatherlink station at Davenport/Barber road approximately 3 miles from the project site):

<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
9.51"	9.38"	19.07"	8:09"	8.91"	9.04"	8.51"	9.20"	3.26"	3.50"

- Reverting to septics (OWTS) for Phase 1 changes the wastewater entitlement approved in 2007 and is a Significant Change under CEQA and would require an updated SEIR and accompanying CUP. The 1994 EIR forecasts 70,200 gallons/day into the septics.
- Local Area Management Plan 11.738.40 requires that for lots smaller than 2.5 acres in projects where the annual average rainfall is less than 15" a non-conventional onsite water treatment system (NOWTS) is required
- Phase 1 lies within the Santa Clara River Basin designated as Significant Ecological Area #23 (Final EIR response to comments page 4.1-5)

# Community concern #2 – Wastewater plant

- The wastewater treatment plant became a pre-condition of Phase 1 wastewater treatment by virtue of the approval of the 2007 SEIR (April 2007 Final Bound SEIR – Page 2-2 ‘Grading and Construction Program’)

“**The wastewater reclamation facility**, which can begin operation with a service area of 50 homes, **would begin as soon as Phase 2 of tract 50385 is approved and recorded.**

Development of the homes will begin in June 2008, with buildout estimated for June 2014.

Construction of the recorded portion of the site [Phase 1] could occur at any time; **however, as connection to the wastewater treatment plant is now proposed, this supplemental EIR assumes that portion will be constructed within the same timeframe as Phase 2 of Tract 50385.**”

# Community concern #2 – Wastewater plant

- Department of Public Works comments highlight the significant lack of critical information in the wastewater treatment plan documents.
- Final Bound SEIR PDF Page 41 Page 4C-3, paragraph 1

“It shall be noted that the Facility Report and the EIR *conceptually* describe the wastewater treatment and reclamation facilities. The final design, including selection/design of treatment equipment, sizing of tanks/reservoirs, layout of facilities, and design of the wastewater distribution/irrigation system, shall be designed during pre-design to the satisfaction of public works.”
- 2007 Approval package, DPW CUP condition #16, PDF page 67

“Provide an acknowledgement letter from the developer stating **due to an incomplete and inadequate Treatment Plant Feasibility Study and treatment plant plans**, during the design stage review, additional requirements to the treatment plant facility, the treatment process, and/or methods of disposal **may necessitate a change to the environmental documents** and/or a revision to the tentative map.”



# Community concern #2 – Wastewater plant

- The Phase 2 RVTTM map expires in October 2022
  - LA County Dept. of Regional Planning meeting January 6, 2015. Supplemental Agenda item 1(X) Consent Item For Approval. Project No.TR50385-(5). **Final renewal request** is from April 11, 2016 to **April 11, 2021**.
  - AB1561 extended the Revised Vesting Tentative Tract Map expiration to October 11, 2022
- When the RVTTM map expires, the CUP for Phase 2 is no longer valid
  - 2007, Approval Package CUP Condition 12, PDF page 34  
“This grant shall expire unless used within 2 years after the recordation of a final map for Revised Vesting Tentative Tract Map No. 50385. In the event that VTTM No 50385 **should expire without recordation of a final map, this grant shall expire on the termination of the final map.** Entitlement to use the property thereafter shall be subject to the regulations then in effect.”
- No Phase 2 = no wastewater treatment plant without another EIR etc.

# Community concern #3 – Water supply

- The water supply for Phase 2 may not be guaranteed under the 1989 Master Service Agreement that brought municipal water to Acton Estates (FEIR Addendum – Response to Comments April 1994 Appendix O, PDF pages 284-301)
  - Acton Estates Limited, Hillside Development Partner, Waterworks Construction Management Company and Los Angeles County Waterworks District 37
- MSA allows creation of sub agreements with nearby development projects (p289)
  - Acton Property (Exhibit A map), Mello Roos Community Facilities District
- The ‘will serve’ letter is conditioned on the project being within the Mello Roos area which appears to be CFD No. 6 created on October 24, 1991 (Sec 6.1 p291)
- The guarantee to supply water is conditioned on **both** the project falling within the ‘Acton Property’ (Exhibit A) **and** the Mello Roos bond district (Sec 5.5 p291)
- Critically, Exhibits A-C are missing from Appendix O to confirm this or otherwise

# Community concern #3 – Water supply

- There is a misconception that all the water will come from ‘municipal’ sources (1994 Final EIR Response to Comments, page 4.3-24 Comment 30 from ADTC)
  - “Due to increased availability of State Water Project Water, **it is less likely, absent another drought, that the proposed project will use significant amounts of groundwater** associated with the water system”
- Highly relevant now that State Water Project are cutting back on allocations
- Notably, there was no analysis in the SEIR of the amount of water that is needed by the reverse osmosis water treatment plant (2007 Notice of Preparation Sewage Disposal Discussion - Page 23)
  - “The certified EIR stated that the proposed project would generate 210,970 gallons per dwelling unit per year of irrigation and septic tank return flow to the groundwater.”
  - 210,970 gallons/year over 315 homes is 66.4 million gallons/year

# Community concern #4 – Geopolitical issues

- The project developer is RTG Investment LLC is a Wyoming registered LLC
- Form LLC-12 for CA State File Number 201833110100 lists the Manager as Ruben Grigoryan
- The RWQCB WDR application lists the applicant as Ruben Grigoryan
- Public correspondence with Rosaline Yamada and an agency confirms Mr Grigoryan is in Moscow
- RTG Investment LLC is an affiliate of Rutsog Invest, a Russia-based real estate investment firm (<https://www.rutsog.ru/>)
- Russian government sanctions now prevent Russian residents from transferring funds out of the country or from leaving the country's borders with more than \$10,000 in currency
- International sanctions have removed many Russian banks from the SWIFT system that facilitates bank to bank transfers between Russia and many countries including the United States
- LA County has required a \$2.7m bond from the developer and the RWQCB imposed an additional as yet unspecified bond requirement for the recently approved WDR – Letters of Credit?
- The next phases of the project require significant investment funds that the developer may not be able to fund due to sanctions
- Developer still hasn't answered ADTC's questions about the project posed on November 24<sup>th</sup> 2021

# Next steps – write to Supervisor Barger

- Consider a motion to write to Supervisor Barger as suggested in January meeting
- At a minimum, incorporate the critical issues raised in this presentation
- Seek agency response on behalf of the community that clarifies the community's concerns over the entitlement, wastewater plant, and water supply issues
- Request that LA County issue no further permits (grading, septic etc.) while these issues are resolved
- Request regular on-site in-person inspections while these issues are resolved
- Direct LA County Planning to write to the RWQCB as is required in 1994 EIR Mitigation Measure 4.11(f)

**“Where the Homeowner’s Association, Maintenance District, or other County approved entity becomes aware that **it failed to submit relevant facts or submitted incorrect information** in a Report of Waste Discharge or any report to the RWQCB, it shall promptly submit such facts or information.”**

# Next steps – write to RWQCB

- Consider a motion to write to the Regional Water Quality Control Board as a matter of urgency regarding File Number 20-105
- Address the scope of the 1994 and 2007 wastewater entitlements
- Point out the inconsistencies between the developer's testimony and the wastewater entitlement granted in the approval of the 2007 SEIR
- Request that the pending WDR be paused/stayed or withdrawn
- Request immediate on-site in-person inspection by RWQCB staff
- Community members can appeal the RWQCB's February 10<sup>th</sup> decision within 30 days of the meeting date
  - The deadline is **Friday March 11<sup>th</sup>**
  - [https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/wqpetition\\_instr.shtml](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml)