

The Agua Dulce Residential Project

Summary of agency exchanges
Agua Dulce Town Council meeting
Wednesday April 13th, 2022

Agenda

- Los Angeles Regional Water Quality Control Board
 - ADTC letter of March 10th 2022
 - RWQCB response of March 11th 2022
 - ADTC response of March 14th 2022
 - Current Status
- Los Angeles County District 5 Supervisor Kathryn Barger
 - ADTC letter of March 18th 2022
 - Current status

ADTC to Los Angeles RWQCB 10 March 2022

- Outlined the wastewater treatment entitlements of 1994 EIR
- Outlined the amended entitlements of 2007 SEIR
- Referenced entitlements misrepresented to Water Board by the developer's representative during the February 10th 2022 meeting
- Provided external references to support the above
- Requested a plan of action to remedy the above from RWQCB staff
- Requested a stay of the Dredge & Fill permit in light of the above
- Requested RWQCB staff undertake an on-site inspection to create a reference point for grading activity on the site

Los Angeles RWQCB to ADTC 11 March 2022

- Suggests ADTC letter focuses on the absence of a wastewater treatment plant vs. the use of septic systems on-site
- Septic permits would be issued by LA County Environmental Health
- Wastewater treatment plant would be approved by LA County Regional Planning
- Wastewater treatment discharge would be permitted by LA RWQCB
 - RWQCB hasn't received any permit request for the wastewater plant
 - RWQCB will let the ADTC know when such an application is made
- WDR permit issued on Feb 10th 2022 did not authorize a wastewater treatment plant or septic systems

Los Angeles RWQCB to ADTC 11 March 2022

- The ADTC letter makes no reference to the dredge and fill activities and therefore there is no basis for the permit to be amended or rescinded
- Amending the permit would require a vote by the full RWQCB
- Absent any specific references to the dredge and fill activities, the Executive Officer, Renee Purdy, declines to make such a recommendation to the RWQCB board
- The ADTC is welcome to submit a petition for review with the State Water Quality Control Board within 30 days of the decision (March 14th)
- Grubbing has begun on site under the CA DFW streambed permit but as of March 10th, LA County has not issued a grading permit

ADTC to Los Angeles RWQCB 14 March 2022

- Despite having reviewed the planning documents, a number of misleading statements were made about the project by the RWQCB staff and counsel to the board during the meeting in advocating for the applicant's misleading claims
- Given the opinions expressed by board members Munoz, Nahai and Chair Yee during the meeting, the board may well have voted to make 'no action' decision on the basis that the true facts were available to them (the GIGO principal - Garbage In = Garbage Out)
- The RWQCB staff and the applicant's legal counsel failed to correctly convey material facts about the project that then became the basis for the board's vote and decision

ADTC to Los Angeles RWQCB 14 March 2022

- Staff claimed that the project will not deplete the groundwater basin
- Staff clearly understood that the applicant's plan is to build the first 68 homes with septic systems however the 2007 Supplemental EIR no longer conveys this original wastewater entitlement to the project
- LA County Environmental Health has no authority to issue septic permits for the project contrary to what was represented to Chair Yee
- Staff claimed that the 2007 Supplemental EIR did not apply to Phase 1 of the project, when in fact it does
- Staff failed to advise the board that the unrecorded tentative tract map for Phase 2 of the project expires in October 2022

ADTC to Los Angeles RWQCB 14 March 2022

- Development of Phase 1 with on site septics is a significant change under CEQA since no EIR produced for the project has ever considered permanent septic systems for the first 68 homes
- Building Phase 1 with septic systems and abandoning Phase 2 and the wastewater treatment plant as contemplated by the applicant's legal counsel would require a Supplemental EIR
- While the RWQCB staff can rely on the content of the 1994 EIR and 2007 SEIR, they have a duty to correctly represent them to the board
- ADTC cannot file a grievance, but the Council's letters are intended to provide a context within which the grievances can be interpreted

RWQCB Status

- Chair Yee acknowledged receipt of the March 14th letter in an email and requested Executive Officer Renee Purdy advise him as to how the content of the letter would be communicated to the other RWQCB board members
- Several community members filed grievances with the State Water Resources Control Board before the March 14th 2022 deadline
 - No indication of whether/when they will be heard
 - ADTC followed up with SWRCB Assistant Chief Counsel on April 10th 2022
- RWQCB appears to have created an online FTP site to host the documents related to the project after receiving numerous requests for them

ADTC to Supervisor Barger 18 March 2022

- Outlined the wastewater treatment entitlements of 1994 EIR
- Outlined the amended wastewater entitlements of 2007 SEIR
- Provided explicit references to the LA County Regional Planning documents from 1994 and 2007
- Referenced the developer's stated intent under oath at the February 10th RWQCB meeting to develop the first 68 homes with on-site septic systems
- Expressed the ADTC's concern that LA County staff are perpetuating these inaccuracies (compared to what is in the approved record) to other agencies who are then using this to make their own permitting decisions

ADTC to Supervisor Barger 18 March 2022

- There is no longer an entitlement to develop Phase 1 with on-site septic systems as the developer is clearly planning to do
- LA County has no authority to issue OWTS permits for the septic systems absent such an entitlement in the planning documents
- Developing Phase 1 with septic systems and abandoning Phase 2 would require a Supplemental EIR to consider permanent septic systems for residences projected to create 210,970 gal/year of wastewater for each home
- Abandoning Phase 2 would eliminate 'H' Street which is the second access road to the project and has no direct border to Phase 1

ADTC to Supervisor Barger 18 March 2022

- The documents produced for the wastewater treatment plant are incomplete and insufficient according to the Department of Public Works' comments in the 2007 Supplemental EIR
- The 2007 SEIR made an approved wastewater treatment plant a pre-condition of building Phase 1 and recording Phase 2 lots
- The water supply for Phase 2 has yet to be secured from District 37
- The impact of international sanctions and state-level (March 7th 2022) executive orders may prevent the Moscow, Russia-based developer from legally funding the current and future stages of the development

ADTC to Supervisor Barger 18 March 2022

- Direct LA County staff to respond to the community's valid concerns
- Invitation to present LA County response at April 13th ADTC meeting
- Stay issuance of any permits pending resolution of these issues
- Undertake an on-site inspection to document the extent of work performed
- Write to the RWQCB staff to correct the inaccuracies in the information conveyed to the RWQCB staff as required in the 1994 EIR
- Write to the CA DFW and correct similar inaccuracies to the extent they exist

LA County Status

- Code Enforcement issued citations at the project on March 10th
- The installation of the municipal water pipes along Sierra Hwy near Red Rover Mine Rd temporarily stopped but has resumed
- On April 1st, Anish Saraiya indicated that the LA County departments (Regional Planning, Public Works) need time to conduct their research and to coordinate their investigation with County counsel
- Departments want to do their own due diligence to get a complete and thorough response back to the ADTC
- Estimating a finalized response by the week of April 11th
- No presentation by the County to the ADTC prior to their response