



# California Regional Water Quality Control Board

## Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E Street, Fresno, California 93706  
(559) 445-5116 • Fax (559) 445-5910  
<http://www.waterboards.ca.gov/centralvalley>



Arnold  
Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental  
Protection

27 July 2009

Linda MacKay, President  
TriCounty Watchdogs  
P.O. Box 2458  
Frazier Park, CA 93225

### TEJON MOUNTAIN VILLAGE PROJECT, KERN COUNTY

Thank you for your 29 June letter addressed to Board Member Sandra Meraz expressing the concerns of TriCounty Watchdogs (TriCounty) about the proposed Tejon Mountain Village (TMV) project near Lebec and current management of Castac Lake. The Central Valley Regional Water Quality Control Board, (Regional Water Board) has prepared a response on behalf of Ms. Meraz.

Your letter requests that the Regional Water Board investigate potential impacts from activities at Castac Lake and potential impacts on the local water supply. The following summarizes TriCounty's concerns and subsequently describes actions taken and information gathered to date by Regional Board staff.

TriCounty's concerns relate primarily to Tejon Ranch Company's (TRC) reported use of groundwater to artificially maintain the level of Castac Lake as well as other lake management practices. These concerns are listed as follows:

1. The volume of groundwater that is being used to maintain lake may adversely affect the quantity and quality of groundwater for other users.
2. The lake can no longer serve as a catch basin for run off, which will result in increased downstream flooding.
3. Exclusion of Castac Lake from the "project" described in the draft Environmental Impact Report (DEIR) for the TMV project serves to reduce environmental review and expedite the process of approval to build the large housing project.
4. TriCounty has heard reports that the lake has been dredged to reduce its salinity and to enlarge its capacity without proper regulatory oversight.
5. The lake is being aerated and manipulated in other ways that have changed its ecology.
6. The conversion of the lake from ephemeral lake into a permanent lake has changed its ecology.
7. The water quality of the lake has been compromised as has the water quality of Grapevine creek, which is downstream from the lake. TriCounty comes to this conclusion based on data in the DEIR that shows very poor water quality in Grapevine Creek near the lake, with improvement at sampling sites farther away as it mixes with other sources.

*California Environmental Protection Agency*

On 13 July, Regional Water Board staff provided, as a responsible agency under the California Environmental Quality Act, comments on the DEIR to Kern County (copy enclosed). The comments address concerns 1, 2, and 3 above and should result in further investigation and/or clarification by Kern County and TRC. Regional Water Board staff will monitor the County's response; however, since groundwater pumping and flooding under the described conditions are issues largely outside the purview of the Regional Water Board, further investigation may require coordination with other agencies.

On 14 July, Regional Water Board staff inspected Castac Lake and the surrounding area and spoke with representatives of TRC. The inspector did not observe any evidence that TRC has dredged the lake or otherwise modified it to increase its capacity. Representatives from TRC stated that the Company has never dredged the lake. TRC did acknowledge that in 2005/2006 it did remove Sago pond weed from the lake. If you can provide evidence that TRC or any other entity has conducted unauthorized dredge or fill activities in the lake, we will review the evidence.

Regarding concerns 5 and 6, the DEIR notes that the Tejon Ranch Company has artificially maintained the lake level using groundwater since 2001 and operates an aeration system to maintain dissolved oxygen levels. Tejon Ranch Company representatives indicated in a 15 July teleconference the Company does not intend to artificially maintain the lake level. The Company also indicated that it operates the aeration system with the concurrence of the California Department of Fish and Game. Regional Water Board staff is collecting additional information regarding these matters.

Regarding concern No. 7, the data in the DEIR appears to be consistent with a hydrologic system like the Castac Lake and Grapevine Creek system. Alkali lakes are expected to have poor mineral quality due to the high evaporation rates that concentrate the salts in the lake water. Consequently, groundwater underlying alkali lakes is usually of poor quality. Based on the DEIR and information and documents referenced therein, water percolating from Castac Lake may provide some base flow for upper Grapevine Creek. This base flow would be similar in quality to the water in Castac Lake. Water quality farther down the Creek would be expected to improve as the creek gains water from fresher spring sources and surface and groundwater flows originating primarily from precipitation in tributary watersheds. Board staff is collecting additional information regarding this issue.

Thank you again for your letter. We believe the above addresses all your concerns expressed in your letter; however, if you have any questions or would like to discuss this issue further, please contact me at (559) 445-5116 or Dale Harvey, Senior Engineer on my staff at (559) 445-6190.

Sincerely,



Pamela C. Creedon  
Executive Officer

Enclosure: 13 July Board letter

cc: Board Member Sandra O. Meraz, Alpaugh  
Board Member Soapy Mulholland, Springville



Linda S. Adams  
Secretary for  
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13 July 2009

Mr. Craig Murphy  
Kern County Planning Department  
2700 M Street, Suite 100  
Bakersfield, CA 93243

## **DRAFT ENVIRONMENTAL IMPACT REPORT, TEJON MOUNTAIN VILLAGE PROJECT, KERN COUNTY, SCH#2005101018**

Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff reviewed the Water Quality section of the *Draft Environmental Impact Report* (draft EIR) for the proposed Tejon Mountain Village development, a project sited on more than 26,000 acres east of Interstate 5 and the community of Lebec, approximately 40 miles south of Bakersfield in Kern County. The project would include 3,450 residences, up to 160,000 square feet of commercial development, up to 750 vacation lodging units, two 18-hole golf courses, and up to 350,000 square feet of support facilities. The Tejon-Castac Water District would provide water and sewer services for the development.

The project description in the draft EIR mentions interim and permanent water and wastewater treatment facilities. However, the draft EIR does not provide any details for interim facilities.

The draft EIR describes a permanent, onsite wastewater treatment facility with fine screening, flow measurement, influent flow equalization, tertiary treatment with membrane bioreactors, ultraviolet disinfection, waste sludge dewatering, and sludge stabilization and drying in engineered greenhouses. The membrane bioreactors would provide nitrogen removal to a concentration of 10 mg/L or lower by means of an activated sludge nitrification/denitrification process. Treated effluent would be stored in about 60 acres of onsite ponds during wet months until it can be used for irrigation.

The two planned 18-hole golf courses would use a significant portion of the recycled water generated by the project. The final EIR should include a contingency plan that describes the impacts to water quality associated with alternative use or disposal of the wastewater treatment facility effluent in the event that one or both golf courses shut down or cannot receive effluent.

The draft EIR indicates that at full buildout, the project would utilize approximately 800 acre-feet of water per year to irrigate the golf course and other landscaped areas. A rough estimate of expected wastewater generation from the project suggests more than 1,000 acre-

***California Environmental Protection Agency***

The Notice of Preparation included Castac Lake as part of the project. The project site surrounds Castac Lake, but the draft EIR specifically excludes the lake as part of the project. A significant portion of the project drains to Castac Lake. The final EIR needs to fully evaluate impacts from the project on Castac Lake and Grapevine Creek. The draft EIR states that the Tejon Ranch Company has managed the lake to maintain a consistent shoreline since about 2001 and a lake aeration system in the northeastern portion of Castac Lake controls the lake's oxygen levels. The lake level has reportedly been maintained by groundwater pumping. The decreased storage capacity associated with maintaining the lake surface elevation combined with increased runoff from impermeable surfaces, synchronized tributary flow peaks, and other development-related stormwater issues increase the flooding potential of the basin. Groundwater pumping to unnaturally maintain the lake level may adversely affect groundwater quality and Grapevine Creek. The final EIR should address potential groundwater and surface water quality impacts, particularly downgradient of the lake, resulting from maintenance of the lake shoreline, lake aeration, and any other significant lake management practices.

Mitigation Measure 4.8-31 states in relevant part:

Prior to the initiation of grading, the project shall request and receive written confirmation from the Tejon Ranch Company that swimming or other contact recreational activity shall be permanently prohibited in Castac Lake and all off-site perennial or seasonal water bodies that receive runoff from the project and that are owned by the Tejon Ranch Company. The project area Geologic Hazard Abatement District...with water quality management and compliance responsibilities shall post signs and provide educational materials to project residents and guests prohibiting contact with flowing waters in on-site drainages during and following storm events to prevent pathogen exposure.

An articulated goal of the federal Clean Water Act is that waterbodies should achieve sufficient water quality to provide, "for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water..." This goal is advanced by setting designated uses (known as "beneficial uses" in California) for waterbodies, and then developing water quality standards to protect these uses. Castac Lake and its tributaries are waters of the U.S., and Castac Lake, its tributaries, and Grapevine Creek are also waters of the State. These waters are "westside streams" as defined by the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (Revised in 2004) (Basin Plan), and the beneficial uses of these waters are designated as agricultural supply, industrial service supply, industrial process supply, hydropower generation, **water contact recreation, non-contact water recreation**, warm freshwater habitat, wildlife habitat, rare, threatened, or endangered species, and groundwater recharge. These uses are designated as such because the water in these waterbodies was of sufficient quality to achieve these uses on the date when the amendments to the federal Clean Water Act took effect (November 28, 1975). These uses are existing uses that must be protected under federal and State law. Proscription of uses, as described in Mitigation Measure 4.8-31, is not protective of the uses. The draft EIR should include mitigation measures that ensure project activities do not adversely impact any of the designated beneficial uses of Castac Lake, its tributaries, and Grapevine Creek. Mitigation Measure 4.8-31 should be revised accordingly or deleted.