

CALIFORNIA COASTAL COMMISSION

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Item No.: Tu.16.f.

Permit Filed: November 24, 1997

49th Day: January 12, 1998

180th Day: May 23, 1998

Staff: John T. Auyong *JTA*

Staff Report: January 20, 1998

Hearing Date: February 3, 1998

Commission Action:

**RECORD PACKET COPY**STAFF REPORT: REGULAR CALENDARPERMIT APPLICATION NO.: **5-97-316**

APPLICANT: County of Orange

AGENT: Mike Wellborn (County of Orange, Planning and Development Services)

PROJECT LOCATION: Aliso Creek, 300 feet upstream of the Coast Highway bridge, and 1.5 miles off-shore of Aliso Creek County Beach, City of Laguna Beach, County of Orange

PROJECT DESCRIPTION: Installation of a temporary sand berm in Aliso Creek to collect creek flows and divert them to an outfall line which discharges 1.5 miles offshore.

LOCAL APPROVALS RECEIVED: City of Laguna Beach CDP97-19

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

STAFF NOTE: The proposed project is part of an overall temporary project to divert the summertime flows of Aliso Creek into the Aliso Water Management Agency ("AWMA") outfall. The City of Laguna Beach approved the entire proposed project, including the portion of the berm within the creek bed. The creek bed is submerged lands which are the Commission's area of permit jurisdiction. The subject permit application therefore only deals with the portions of the proposed project (i.e., the portions of the berm within the creek bed and the off-shore discharge) which are not within the certified area of the City of Laguna Beach but instead are within the Commission's jurisdiction.

The De Novo portion of A-5-LGB-97-166 deals with the portion of the proposed project within the City of Laguna Beach's coastal development permit jurisdiction area. In addition, the AWMA outfall was approved by permit A-61-76. The permit approval did not contemplate the type of discharge being proposed. AWMA has thus filed permit amendment 5-85-959-A4 for the proposed diversion of Aliso Creek into their outfall. Applications A-5-LGB-97-166 and 5-83-959-A4 are scheduled concurrently with this permit application.

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STANDARD OF REVIEW

The portion of the proposed berm in the creek bed and the discharge 1.5 miles offshore is within the Commission's original permit jurisdiction under Coastal Act Section 30519(b) and must be evaluated for consistency with the Chapter 3 policies of the Coastal Act. The policies of the certified Laguna Beach LCP may be used for guidance.

SUMMARY OF STAFF RECOMMENDATION - ISSUES TO BE RESOLVED:

Staff is recommending approval of the proposed project with special conditions requiring; 1) removal of the proposed project by October 25, 1998, 2) restoration of the creek after the proposed project is removed, 3) monitoring of water quality, and 4) removal of the berm in the event of a severe summertime storm. Conditions similar to these were imposed on Emergency Permit 5-97-219-G for the proposed project which was accepted by the applicant.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

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4. **Interpretation**. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections**. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Removal of Development**. The diversion of up to a twenty-four (24) hour average flow rate of five (5) cubic feet per second (i.e., 3.23 million gallons per day) of the water flow of Aliso Creek approved by this permit is authorized only for the 1998 summer season from May 1 through October 15, 1998. In no case shall the diverted flows exceed seven (7) cubic feet per second (i.e., 4.52 million gallons per day) at any time. This permit does not authorize the diversion to continue past October 15, 1998. All structural development shall be removed as quickly as possible prior to the rainy season but in no case shall any development remain after October 25, 1998.
2. **Restoration**. The bed and banks of Aliso Creek disturbed by the approved project shall, after the removal of the berm and pipe, be restored, at a minimum, to the condition in which they existed prior to construction of the berm and installation of the pipe.
3. **Water Quality Monitoring**. The permittee shall comply with the requirements of Order No. 95-107, NPDES Permit No. CA0107611, "Waste Discharge Requirements for the Aliso Water Management Agency, Orange County, Discharged to the Pacific Ocean through the Aliso Water Management Agency Ocean Outfall" including Addendum No. 1 for the approved diversion of Aliso Creek's flows into the outfall) issued by the California Regional Water Quality Control Board - San Diego Region ("RWQCB"). The permittee shall submit to the Executive Director copies of the results of the monitoring data required by the RWQCB, along with written conclusions on:
1) water quality changes which occurred during the monitoring period, 2) whether the water quality changes occurred as a result of the project, and 3) the effects of these changes on offshore marine life and human health; at the same time it submits the required monitoring data to the RWQCB. The written conclusions shall be prepared by the Orange County Health Care Agency.
4. **Removal of berm prior to October 15, 1998 to prevent flooding**. Notwithstanding Special Condition No. 1 above, if, prior to October 15, 1998, the National Weather Service predicts that a significant storm event will occur prior to October 15, 1998 which could cause flooding in Aliso

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Creek, the proposed berm shall be removed prior to the forecasted date of the storm event so that no flooding will occur. For purposes of this condition, a "significant storm event" shall be defined as: an event of one inch or more of rainfall within a 24 hour period in any area which drains into the watershed of Aliso Creek.

IV. FINDINGS AND DECLARATIONS

A. Project Description

The applicant is temporarily proposing to divert low-flow summertime nuisance flows of Aliso Creek into an existing sewage outfall which outlets 1.5 miles offshore for one summer season only. The diversion would occur by building a berm in Aliso Creek, approximately 300 feet inland of Coast Highway. The proposed sand berm would be six feet high, 24 feet wide, and sixty feet long. The water which ponds behind the berm would then be pumped, at a rate of about five cubic feet per second, via a new pipe into the existing nearby Aliso Water Management Agency ("AWMA") pipeline. To minimize pump noise, the proposed pump would be electric and be housed in an unused building owned by AWMA. The proposed berm would have an 18" deep notch at the top in the middle to allow for overflow purposes, in the event the pump fails or water ponds too rapidly.

The proposed project involves three separate permit actions. First, a De Novo permit application (A-5-LGB-97-166) covers the portion of the proposed project within the certified area of the City of Laguna Beach. The City issued coastal development permit CDP97-19 which was appealed to the Commission based on inconsistency with the certified local coastal program regarding flooding and offshore water quality. On July 9, 1997, the Commission found that the appeal raised a substantial issue. Second, an amendment to permit application 5-83-959 is necessary. In 1976, the State Commission approved on appeal permit A-61-76 for the construction of the AWMA outfall. The approved outfall discharges secondary treated effluent into the ocean. The permit was conditioned to limit effluent as a means to regulate development served by the outfall. In the early 1980's, several amendments to the permit were approved to increase effluent limits. However, the type of discharge proposed into the outfall is not covered under the previously approved permit and three previous permit amendments. Therefore, another permit amendment is required. These two applications are also on the Commission agenda to be acted on today.

The subject application covers only the portion of the proposed project within Coastal Commission jurisdiction. Basically, this is the portion of the proposed berm within the bed of Aliso Creek and the offshore discharge. Aliso Creek is submerged lands and thus is an area of retained Commission jurisdiction. The offshore discharge would be located seaward of the mean high tide line and thus is also in the Commission's area of retained permit jurisdiction. The subject permit application is also the follow-up permit application to Emergency Permit 5-97-219-G which the Executive Director issued on August 8, 1997 for the all components of the overall proposed project.

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The applicant is proposing this project to temporarily remedy the problem of polluted water ponding at Aliso Creek County Beach, where Aliso Creek outlets into the ocean. The low flows of Aliso Creek during the dry summertime are not strong enough to breach the sand at the beach, resulting in water ponding at the beach. The concentration of pollutants in the water is higher during the summer than in the winter, due to the lower flows during the dry summer season. Thus, the ponding water becomes stagnant and, in combination with higher concentrations of pollutants, poses a health hazard to beachgoers. The number of beachgoers is generally higher in the summer than in the winter, increasing the number of people at risk.

The applicant has chosen the proposed project in part because it is cheaper (\$8,500 versus \$100,000 for treatment) and is only intended to be temporary solution until an overall plan for reducing pollutants in Aliso Creek can be formulated. The U.S. Army Corps of Engineers is in charge of the overall effort and in June 1997 released its feasibility phase project study plan to reduce the amount of runoff and pollutants entering Aliso Creek.

B. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project would result in the diversion of polluted, low flow summertime nuisance flows from Aliso Creek into an existing outfall owned by the Aliso Water Management Agency ("AWMA") which outlets 1.5 miles offshore. This would result in diversion of the polluted water from the beach to the offshore waters. Because of the littoral drift, sand from areas adjacent to the mouth of Aliso Creek drifts into the creek's mouth. This results in the creation of berms across the creek's mouth which prevents the creek's water from entering the ocean. Therefore, the creek's

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polluted water ponds behind the berm at the creek's mouth, right on the popular and heavily used Aliso Creek County Beach. In a March 4, 1997 letter to the San Diego Regional Water Quality Control Board, the Orange County Health Care Agency indicates that the mouth of Aliso Creek " . . . is regarded as chronically contaminated and is therefore permanently posted with . . . signs stating, 'Keep Out', 'Contaminated Water'."

The problem of ponding polluted water and the attendant public health risks are greater during the summer, when creek flows are low and use of the beach by the public is at its highest. Low creek flows mean that the water is not forceful enough to cut through the sand berms at the creeks mouth, so the water collects behind the berm. County beach staff has in the past attempted to fix the problem by breaching through the berm to allow the ponded water to drain into the ocean. In addition, low flows mean that concentration of pollution in the water is higher. This contrasts with heavy winter flows in which the pollution is diluted because of the high volume water from heavy rainfall.

The RWQCB has approved an addendum to its Order N. 95-107, NPDES ("National Pollutant Discharge Elimination System") Permit No. CA0107611 which regulates discharges from the AWMA outfall. The addendum approves the proposed diversion. The addendum sets a limit on the proposed diversion of Aliso Creek flows into the outfall at 4.52 million gallons per day. The addendum also prohibits diversion of the creek between October 16 and April 30 of the following year. The addendum further requires the normal outfall monitoring program to include the diverted creek flows. The addendum does not raise the limits on the types of pollutants which can be discharged through the outfall. Therefore, even with the addition of the pollution from the creek, AWMA is still responsible for ensuring that the effluent discharged from its outfall are within the limits currently prescribed by the RWQCB for the effluent without the creek flows.

As required by Emergency Permit 5-97-219-G, the applicant monitored the water quality in Aliso Creek and the AWMA effluent during an approximately three week period from September 19, 1997 to October 8, 1997. This is within the summertime period May to mid-October during which Aliso Creek would be diverted. The pollutants monitored are those prescribed by the California Regional Water Quality Control Board - San Diego Region ("RWQCB"). Since the proposed project was not built last summer, the data do not reflect the discharge of Aliso Creek into the outfall. However, the data do document existing conditions which provide a base to which post-project monitoring can be compared.

1. Bacteriological pollutants

Section 7958 of the California Code of Regulations (Title 17, Chapter 5, Subchapter 1, Group 10) contains prescribed standards for maximum allowable concentrations of coliform organisms at public beaches or water-contact sports areas as follows:

Samples of water from each sampling station at a public beach or public water-contact sports area shall have a most probable number of coliform organisms less

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than 1,000 per 100 ml. (10 per ml.); provided that not more than 20 percent of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml. (10 per ml.), and provided further that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml. (100 per ml).

Section 24155 of the California Health and Safety Code (Division 20, Chapter 1, Article 4) defines "water-contact sport" as:

... any sport in which the body of a person comes into physical contact with water, including but not limited to swimming, surfboarding, paddleboarding, skin diving, and water-skiing. It does not include boating or fishing.

The ocean waters off Aliso Creek County Beach spanning both sides of the mouth of Aliso Creek are water-contact sports areas which should be tested for coliform. Coliform is a bacteriological pollutant which poses a risk to human health. The proposed project would be undertaken primarily to solve the problem of high levels of coliform at Aliso Creek County Beach.

The outfall into which Aliso Creek's flows are proposed to be diverted discharges secondary sewage operated by the Aliso Water Management Agency ("AWMA"). Secondary sewage is not raw sewage. Secondary sewage has been treated for removal of suspended solids but has not been chlorinated or otherwise treated to kill bacteriological contaminants such as coliform and enterococcus. The RWQCB requires AWMA to monitor water at AWMA's various surf zone (i.e., water area adjacent to the beach) monitoring stations, nearshore waters (i.e., 1,000 feet offshore) monitoring stations, offshore waters (i.e., below the ocean surface, above the outfall's outlet 1.5 miles offshore) monitoring stations, and creekside monitoring stations for bacteriological pollutants such as coliform which are hazardous to human health.

The data collected during the September 19, 1997 through October 8, 1997 period indicate that, with the exception of bacteriological parameters (i.e., coliform), the water quality in the creek was considered within ocean discharge standards. As for data regarding effluent from the AWMA outfall, bacteriological water quality in the nearshore zone (i.e., 1,000 feet offshore, above the outfall at a depth of 25-50 feet below the surface of the ocean), was good but occasionally poor in the surf zone (i.e., the water area immediately adjacent to the beach). The poor surf zone water quality was reported at stations closest to the creek's mouth and are likely the result of the County's breaching of the berm at the creek's mouth, which allows the polluted water trapped behind the berm to flow into the surf zone. Except for at the offshore stations, the RWQCB sets limits on the amount of bacteriological pollutants which are allowed in the water. The limits are the same as those prescribed in the Health and Safety Code for safe human contact.

During the substantial issue phase of the related appeal A-5-LGB-97-166 for the proposed project, the Orange County Health Care Agency provided data from its monitoring program for summer months during 1996. There was insufficient time for the Health Care Agency to provide comprehensive historical data. However, based on the 1996 monitoring, in many instances

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coliform organism concentration found at the mouth of Aliso Creek, where the present pollution problem occurs, exceeds the limit of 1,000 per 100 ml., and is sometimes double the allowable limit. On the other hand, the coliform organisms in the surf zone waters off Aliso Beach rarely exceed 100 per 100 ml., well below the prescribed standard. Only at the Aliso-Middle station near the creek did the concentrations rise above 100 per 100 ml., and then not by much. The 1996 data therefore corroborates the 1997 data. Since the only high levels of coliform in the ocean occurred at the creek's mouth, and testing of the creek's waters also indicated high levels of coliform, the source of coliform in the ocean is likely the creek's waters.

If nothing else, the proposed project should not make the current situation worse. Since the County currently breaches the mouth of Aliso Creek, the polluted water with the coliform currently enter the ocean anyway. If the same coliform were to be discharged into the outfall and wash back onshore, the situation would be no different. The question then is whether discharge of the creek's flows, with its levels of coliform which exceed Health and Safety Code standards for safe human contact, would reduce the human health risk if discharged 1.5 miles offshore as proposed and restore water quality at the creek's mouth.

RWQCB staff has indicated that the current levels of coliform and bacteriological pollutants in the secondary treated sewage discharged from the outfall are already significantly higher than that detected in the creek. This is because secondary treated sewage is not required to be treated to kill bacteriological contaminants. RWQCB staff has indicated that the addition of bacteriological contaminants from the creek's flows would not result in a significant proportionate increase in bacteriological contaminants being discharged from the outfall. Given this fact along with the fact that, except at the creek's mouth, levels of coliform in ocean waters are currently within acceptable standards for human contact, the RWQCB staff does not believe the proposed diversion of creek flows would result in levels of coliform in the ocean increasing to levels above accepted standards for human contact.

The pollutants in the sewage effluent which comes out of the outfall mix with the ocean water at the outlet and become diluted. Immediately around the outfall's outlet, pollutant levels are high. However, once the pollutants have been diluted and travel beyond the mixing zone, pollutant levels fall. Therefore, significantly high levels of bacteriological pollutants from the sewage coming out of the outfall 1.5 miles offshore has not translated into the same high levels at the surf zone and nearshore waters. It can be expected that, if the creek's flows were diverted into the outfall as proposed, the coliform in the creek's flow which would come out of the outfall would become similarly diluted and not translated into high levels of coliform closer to shore. Thus, it can be expected that the proposed project would maintain the currently acceptable levels of coliform. At the creek's mouth where coliform levels currently exceed the acceptable level, the proposed project can be expected to reduce coliform counts and increase water quality.

The regulatory requirements under which the RWQCB operates also require the RWQCB to determine where shellfish harvesting areas exist in coastal waters and to monitor the coliform in those areas. The RWQCB has determined that no shellfish harvesting areas exist in the coastal

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waters affected by the AWMA outfall. Therefore, there are no shellfish in the area which would be adversely affected by the proposed addition of coliform from the diverted creek flows.

Therefore, it can be expected that the proposed project would maintain the quality of ocean waters appropriate to maintain optimum populations of marine organisms and for the protection of human health, and actually restore it at the creek's mouth.

2. **Pollutants Other Than Coliform**

The diversion of Aliso Creek's flows is being proposed primarily to resolve the problem of coliform trapped at the beach which poses a human health risk. However, because Aliso Creek's flows contain general storm runoff from a 36 square mile watershed drainage area, it contains other pollutants besides bacteriological pollutants. At high levels, these other pollutants which wash off from streets through storm drains and from agricultural lands also pose a risk to human health and marine life.

The RWQCB has imposed limitations in its NPDES permit for the AWMA outfall for a variety of pollutants. (see Appendix B) Limitations are imposed on: 1) major constituents and properties of wastewater such as total suspended solids, pH balance, turbidity, and oil & grease.; 2) materials such as ammonia, arsenic, copper, lead, mercury, and zinc which are toxic to marine life, 3) non-carcinogenic materials which are toxic to humans, and 4) carcinogenic (i.e., cancer-causing) materials such as benzene, chloroform, and DDT which are toxic to humans.

The data taken during the September 19, 1997 through October 8, 1997 monitoring period indicate that the pH levels and levels of non-coliform pollutants in the creek and the outfall, such as total suspended solids, are within the limits prescribed by the RWQCB's NPDES permit for the AWMA outfall. The purpose of the proposed development is to address the levels of coliform.

3. **Duration of Development and Monitoring**

The Commission finds that it is necessary to limit the duration of the project to one summer season as proposed; specifically, between May 1, 1998 and October 15, 1998. The Commission further finds that compliance with the RWQCB's NPDES permit is required to ensure that bacteriological pollutants do not pose a health risk to humans. Since the applicant would like to continue the diversion in subsequent summers until a permanent solution to pollution in the creek can be found, information is needed to determine if the proposed project is reducing coliform pollution levels at the mouth of Aliso Creek. Information regarding whether the proposed project is or is not attaining the intended goal would assist the Commission in evaluating future permit applications for the same project. Therefore, in addition to submitting the results of the monitoring required by the RWQCB, the applicant must analyze the results and address whether the proposed project is achieving reductions in coliform levels at the creek's mouth.

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It is possible that monitoring may show that, even with the proposed project, bacteriological pollutants in the ocean water at the creek's mouth are still above maximum levels for safe human contact. The NPDES permit requires AWMA to ensure that discharges from its outfall do not result in levels of bacteriological pollutants which are unsafe for human contact. As a result, if the monitoring data show that bacteriological pollutants at the creek mouth have not decreased, AWMA will have to determine if the bacteriological pollutants are washing back onshore from its outfall, or if there is a different source. If the cause is bacteriological pollutants from the outfall, then AWMA will have to further determine if the source is from the creek's flows or from one of its sewage treatment plants. If the source is the creek's flows, then AWMA is responsible for eliminating this source. Section 3.4 "Violations of Regulations" of the agreement between AWMA and the applicant (County of Orange) allows AWMA to terminate the agreement and halt the diversion if AWMA is in non-compliance with water quality regulations as a result of the proposed project. Therefore, if a water quality problem occurs as a result of the proposed project, AWMA would have to discontinue the project, eliminating the water quality problem, or be in violation of its NPDES permit.

Addendum No. 1 to AWMA's NPDES permit approved by the RWQCB requires AWMA to continue its monitoring program, taking into consideration the additional discharge from creek. The addendum does not raise the allowable limits for pollutants to accommodate the increase discharge from the creek. Therefore, compliance with the RWQCB's NPDES permit for the outfall would ensure that the discharge from the creek would not result in either coliform or non-coliform pollutants from rising to levels above that considered safe for marine life or human contact.

4. Conclusion (Offshore Water Quality)

Thus, as conditioned for: 1) limiting the proposed project to the summer season of 1998; 2) compliance with the RWQCB NPDES permit for the outfall; 3) submission to the Executive Director of monitoring data required by the RWQCB along with conclusionary statements summarizing the data, the Commission finds that the proposed project would maintain the quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health. Therefore, as conditioned, the Commission finds that the proposed project would be consistent with Sections 30230 and 30231 of the Coastal Act.

C. Streambed Alteration

Section 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection

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is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The construction of the sand berm in Aliso Creek will result in the alteration of the creek bed. Ponding of water upstream of the proposed berm would flood riparian vegetation upstream from the berm. Riparian vegetation seaward of the proposed berm would be deprived of water and may die. However, because the proposed construction would be temporary (i.e., not more than six months in duration) and last for the 1998 summer season only, it is not substantial alteration. In addition, the proposed project would occur during the dry summer season, when there is not much water in Aliso Creek and therefore the amount of riparian vegetation which grows would likely be less than during the rainy season. Thus, the amount of riparian vegetation which would be temporarily impacted would be less than during the rainy season. Further, the applicant has received a streambed alteration agreement from the California Department of Fish and Game approving the proposed project.

Still, the Commission finds that it is necessary to require that the proposed berm be removed after one summer season, as proposed by the applicant, and further that the bed of Aliso Creek be restored to its natural state, as it previously existed prior to construction of the berm. Removal of the berm would re-establish surface area for riparian vegetation. Restoration would return the riparian vegetation, which was eliminated or otherwise affected by the proposed project, to its previously existing condition or better. The special condition describes both the banks and bed of Aliso Creek, even though the banks are within the certified area of the City, because of the physically integrated nature of the proposed berm. Because the proposed project does not constitute substantial alteration, and as conditioned for restoration of the creek and removal of the berm by October 15, 1998, the Commission finds that the original permit jurisdiction portion of the proposed project would be consistent with Section 30236 of the Coastal Act.

D. Flood Hazards

Section 30253 of the Coastal Act states, in relevant part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed berm would result in ponding of water upstream of the proposed berm. This could result in the creek overflowing its banks. The proposed berm would have a notch at the top in the middle. The notch would serve as a spillway to allow water to flow over the berm into the creek seaward of the berm. The Commission is requiring that the proposed berm be removed by October 15, 1998, the normal start of the rainy season. Therefore, the berm would not be in place during the times when rainfall typically is heaviest.

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However, a freak summer storm could cause water to rise much more quickly than can be pumped to the sewage outfall or released by the notch, flooding properties located inland of the proposed berm. Therefore, should the National Weather Service forecast a strong storm (i.e., one inch or more of rainfall during a 24 hour period) prior to October 15, 1998, the Commission finds it necessary to require the applicant to remove the proposed berm before the forecasted start of the storm to prevent flooding of properties inland of the proposed berm. Therefore, as conditioned for this requirement, the Commission finds that the proposed project, as conditioned, is consistent with Section 30253 of the Coastal Act.

E. Visual Quality

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The subject site is located inland of the first public road and the sea in a canyon. The proposed project would not block views along the ocean at the beach nor to the ocean from the first public road. The proposed project consists of a berm which would be set in Aliso Creek. The berm would not be higher than the banks of the creek and would not protrude above the level of the creek. The proposed project thus would not block inland views up the canyon nor views from the canyon to the beach. Therefore, the Commission finds that the proposed development would be consistent with Section 30251 of the Coastal Act.

F. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the water quality, streambed alteration, and hazards policies of Chapter Three of the Coastal Act. Mitigation measures requiring; 1) limiting the proposed project to one summer season, 2) requiring restoration of the stream after the development is removed, 3) compliance with Regional Water Quality Control Board ("RWQCB") requirements and submission of RWQCB required monitoring data

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and conclusions regarding the data, and 4) removal of the berm before October 15, 1998 in the event of significant storm event; will minimize all significant adverse impacts.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-97-316 (County of Orange)**Glossary of Selected Acronyms**

AWMA = Aliso Water Management Agency

CDP = coastal development permit

LCP = local coastal program

NPDES = National Pollution Discharge Elimination System

RWQCB = California Regional Water Quality Control Board - San Diego Region

Appendix A**Substantive File Documents**

1) Coastal Commission Substantial Issue Report dated June 20, 1997 for Appeal No: A-5-LGB-97-166; 2) City of Laguna Beach Certified Local Coastal Program; 3) Emergency Permit 5-97-219-G; City of Laguna Beach coastal development permit CDP97-19.

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B. DISCHARGE SPECIFICATIONS

1. The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in CWC 13050, as a result of the treatment or discharge of wastes.
2. The following effluent limitations apply to the combined undiluted effluent from the wastewater treatment facilities identified in Finding 9 of this Order and discharged through the AWMA Ocean Outfall.

a. Effluent Limitations For Major Constituents and Properties of Wastewater

Constituent/ Property	Units	Monthly Average (30 day)	Weekly Average (7 day)	Maximum at any time
CBOD ₅ ^a	mg/l lb/day	25 5,600	40 9,000	45 10,000
total suspended solids ^a	mg/l lb/day	30 6,800	45 10,000	50 11,000
oil & grease ^b	mg/l lb/day	25 5,600	40 9,000	75 17,000
settleable solids ^b	ml/l	1.0	1.5	3.0
turbidity ^b	NTU	75	100	225
pH ^a	pH units	Within limits of 6.0 - 9.0 at all times.		
acute toxicity ^b	TUa	1.5	2.0	2.5

Appendix B (9 pages)
 5-97-316
 A-5-LGB-97-1166 (De Novo)
 5-83-959-A4

Order No. 95-107

14

December 15, 1995

b. Effluent Limitations For Toxic Materials For Protection Of Marine Aquatic Life

Constituent/ Property	Units	6-Month Median	Daily Maximum	Instantaneous Maximum
arsenic ^e	mg/l lb/day	1 200	7.6 1,700	20 4,500
cadmium ^e	mg/l lb/day	0.3 70	1 200	2.6 590
chromium (hexavalent) ^{e,f}	mg/l lb/day	0.5 100	2 500	5.2 1,200
copper ^e	mg/l lb/day	0.3 70	2.6 590	7.3 1,600
lead ^e	mg/l lb/day	0.5 100	2 500	5.2 1,200
mercury ^e	ug/l lb/day	10 2	42 9.5	100 20
nickel ^e	mg/l lb/day	1 200	5.2 1,200	13 2,900
selenium ^e	mg/l lb/day	3.9 880	16 3,600	39 8,800
silver ^e	mg/l lb/day	0.1 20	0.69 160	2 500
zinc ^e	mg/l lb/day	3.1 700	19 4,300	50 11,000
cyanide ^{e,g}	mg/l lb/day	0.3 70	1 200	2.6 590
total chlorine residual ^{e,f}	mg/l lb/day	0.5 100	2 500	16 3,600
ammonia (as N) ^e	mg/l lb/day	160 36,000	630 140,000	1600 360,000
chronic toxicity ^e	TUc	—	300	—
phenolic compounds ^e (non-chlorinated)	mg/l lb/day	7.8 1,800	31 7,000	78 18,000

ApX. B

Order No. 95-107

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December 15, 1995

Constituent/ Property	Units	6-Month Median	Daily Maximum	Instantaneous Maximum
chlorinated phenolics ^c	mg/ lb/day	0.3 70	1 200	2.6 590
endosulfan ^{c-1}	ug/ lb/day	2 0.5	4.7 1.1	7 1.6
endrin ^c	ug/ lb/day	0.5 0.1	1 0.2	2 0.5
HCH ^{s2}	ug/ lb/day	1 0.2	2 0.5	3.1 0.7
radioactivity	Not to exceed limits specified in Title 17, Division 5, Chapter 4, Group 3, Article 3, Section 32069 of the California Code of Regulations.			

APX. B

Order No. 95-107

16

December 15, 1995

c. Effluent Limitations For Toxic, Noncarcinogenic Materials for Protection of Human Health

Constituent/ Property	Units	Monthly Average (30-day)
acrolein ^c	mg/l lb/day	57 13,000
antimony ^c	mg/l lb/day	310 70,000
bis(2-chloroethoxy) methane ^c	ug/l lb/day	1100 250
bis(2-chloroisopropyl) ether ^c	mg/l lb/day	310 70,000
chlorobenzene ^c	mg/l lb/day	150 34,000
chromium (III) ^c	g/l lb/day	50 11,000,000
di-n-butyl phthalate ^c	mg/l lb/day	910 200,000
dichlorobenzenes ^{c,3}	g/l lb/day	1.3 290,000
1,1-dichloroethylene ^c	g/l lb/day	1.9 430,000
diethyl phthalate ^c	g/l lb/day	8.6 1,900,000
dimethyl phthalate ^c	g/l lb/day	210 47,000,000
4,6-dinitro-2-methylphenol ^c	mg/l lb/day	57 13,000
2,4-dinitrophenol ^c	ug/l lb/day	1,000 220
ethylbenzene ^c	mg/l lb/day	1,100 250,000

ApX B

Order No. 95-107

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December 15, 1995

Constituent/ Property	Units	Monthly Average (30-day)
fluoranthene ^c	mg/l lb/day	3.9 880
hexachlorocyclopentadiene ^c	mg/l lb/day	15 3,400
isophorone ^c	g/l lb/day	39 8,800,000
nitrobenzene ^c	mg/l lb/day	1.3 290
thallium ^c	mg/l lb/day	3.7 830
toluene ^c	g/l lb/day	22 5,000,000
1,1,2,2-tetrachloroethane ^c	mg/l lb/day	310 70,000
tributyltin ^c	ug/l lb/day	0.37 0.08
1,1,1-trichloroethane ^c	g/l lb/day	140 32,000,000
1,1,2-trichloroethane ^c	g/l lb/day	11 2,500,000

Apx. B

Order No. 95-107

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December 15, 1995

d. Effluent Limitations for Toxic, Carcinogenic Materials for Protection of Human Health

Constituent/ Property	Units	Monthly Average (30-day)
acrylonitrile ^e	ug/l lb/day	26 5.9
aldrin ^e	ng/l lb/day	5.7 0.0013
benzene ^e	mg/l lb/day	1.5 340
benzidine ^e	ng/l lb/day	18 0.0041
beryllium ^e	ug/l lb/day	8.6 1.9
bis(2-chloroethyl)ether ^e	ug/l lb/day	12 2.7
bis(2-ethylhexyl)phthalate ^e	ug/l lb/day	910 200
carbon tetrachloride ^e	mg/l lb/day	0.23 52
chlordane ^{e,4}	ng/l lb/day	6.0 0.0014
chloroform ^e	mg/l lb/day	34 7,700
DDT ^{e,5}	ng/l lb/day	44 0.0099
1,4-dichlorobenzene ^e	mg/l lb/day	4.7 1100
3,3-dichlorobenzidine ^e	ug/l lb/day	2.1 0.47
1,2-dichloroethane ^e	mg/l lb/day	34 7,700

Apk B

Order No. 95-107

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December 15, 1995

Constituent/ Property	Units	Monthly Average (30-day)
dichloromethane ^a	mg/l lb/day	120 27,000
1,3-dichloropropene ^c	mg/l lb/day	2.3 520
dieldrin ^b	ng/l lb/day	10 0.0023
2,4-dinitrotoluene ^a	ug/l lb/day	680 150
1,2-diphenylhydrazine ^c	ug/l lb/day	42 9.5
halomethanes ^{c,8}	mg/l lb/day	34 7,700
heptachlor ^{a,7}	ng/l lb/day	190 0.043
hexachlorobenzene ^b	ng/l lb/day	55 0.012
hexachlorobutadiene ^c	mg/l lb/day	3.7 830
hexachloroethane ^c	ug/l lb/day	650 150
N-nitrosodimethylamine ^c	mg/l lb/day	1.9 430
N-nitrosodiphenylamine ^c	ug/l lb/day	650 150
PAHs ^{c,9}	ug/l lb/day	2.3 0.52
PCBs ^{c,9}	ng/l lb/day	5.0 0.0011
TCDD equivalents ^{9,10}	pg/l lb/day	1.0 0.00000023

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Order No. 95-107

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December 15, 1995

Constituent/ Property	Units	Monthly Average (30-day)
tetrachloroethylene ^o	mg/l lb/day	26 5,900
toxaphene ^o	ng/l lb/day	55 0.012
trichloroethylene ^o	mg/l lb/day	7.0 1600
2,4,6-trichlorophenol ^o	ug/l lb/day	76 17
vinyl chloride ^o	mg/l lb/day	9.4 2,100

g/l = grams per liter
 mg/l = milligrams per liter
 ug/l = micrograms per liter
 ng/l = nanograms per liter
 pg/l = picograms per liter
 ml/l = milliliters per liter
 NTU = Nephelometric Turbidity Units
 TUA = toxic units acute
 TUC = toxic units chronic
 lb/day = pounds per day

- a. Effluent limitations were determined as described in Finding No. 31.
- b. Effluent concentration limitations are the limiting concentrations specified in Table A of the Ocean Plan. Mass emission rate limitations, where applicable, were determined using procedures outlined in the 1990 version of the Ocean Plan and a flowrate of 27.0 MGD.
- c. Effluent concentration and mass emission rate limitations were determined using the procedures outlined in the 1990 version of the Ocean Plan and using water quality objectives from Table B and background seawater concentrations from the 1990 version of the Ocean Plan, an initial dilution of 260, and a flowrate of 27.0 MGD. Except for differences due to rounding, significant figures, or calculation errors, these effluent concentrations and mass emission rate limitations are the same as or more stringent than those in Order 90-50.
- d. The discharger may, at its option, meet this limitation as a total chromium limitation.
- e. If the discharger can demonstrate to the satisfaction of the Regional Board (subject to USEPA approval) that an analytical method is available to reliably distinguish between strongly and weakly complexed cyanide, effluent limitations for cyanide may be met by the combined measurement of free cyanide, simple alkali metal cyanides, and weakly complexed

Apix. B.

Order No. 95-107

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December 15, 1995

organometallic cyanide complexes. In order for the analytical method to be acceptable, the recovery of free cyanide from metal complexes must be comparable to that achieved by Standard Methods 4500CN, G, H, and J (Standard Methods for the Examination of Water and Wastewater, Joint Editorial Board, American Public Health Association, American Water Works Association, and Water Pollution Control Federation, Eighteenth edition.)

1. The effluent concentration and mass emission rate limitations for total chlorine residual are based on a continuous discharge of chlorine. Effluent concentration limitations for total chlorine residual which are applicable to intermittent discharges not exceeding 2 hours, shall be determined through the use of the following equations:

$$\log C_e = -0.43 (\log x) + 1.8$$

$$C_e = C_o + D_m (C_o - C_s)$$

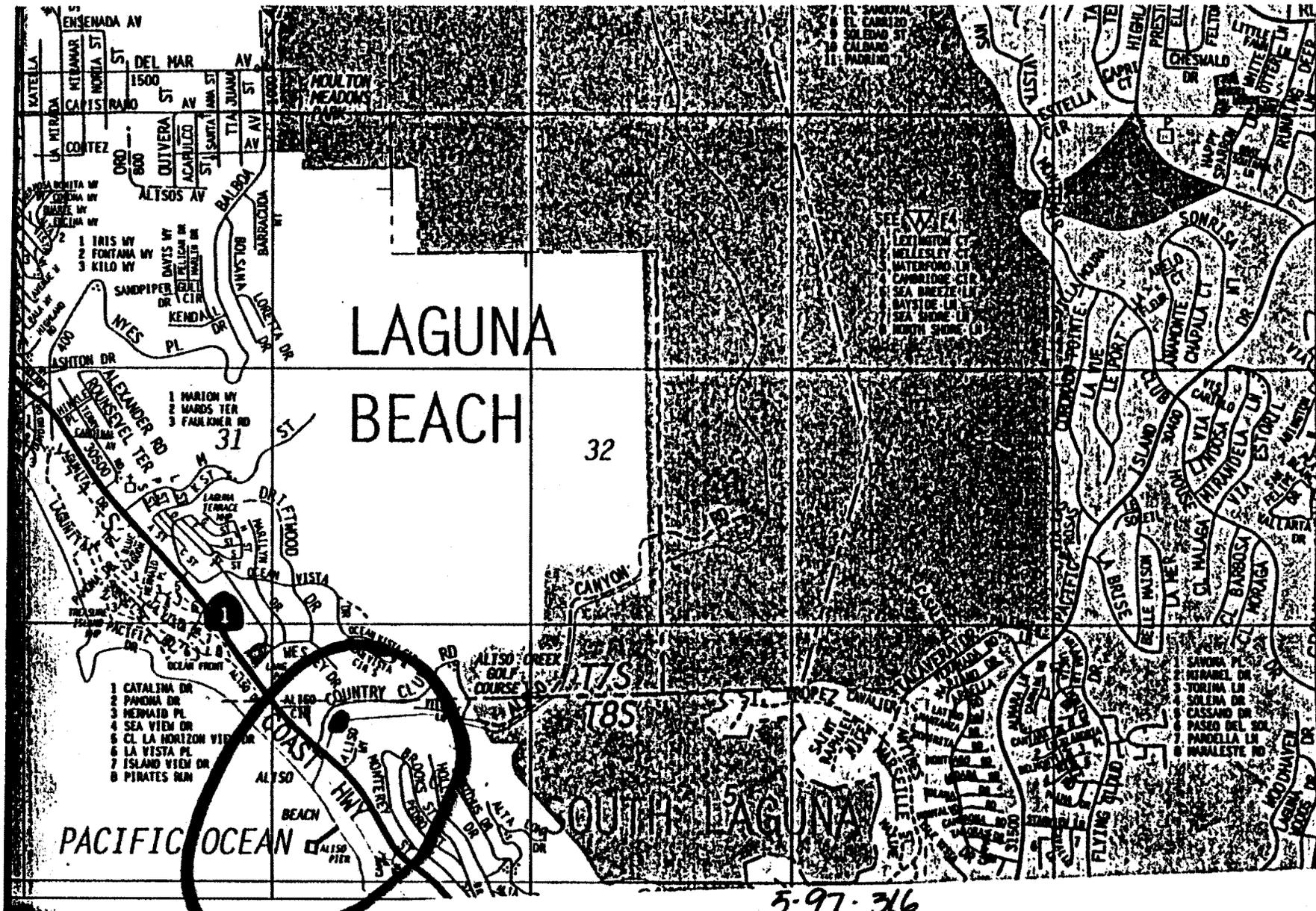
where:

- C_o = the concentration (in ug/l) to be met at the completion of initial dilution
 x = the duration of uninterrupted chlorine discharge in minutes
 C_e = the effluent concentration limitation (in ug/l) to apply when chlorine is being intermittently discharged
 D_m = the minimum probable initial dilution
 C_s = the background seawater concentration = 0

-
3. The 30-day average percent removal of CBOD₅ and TSS shall not be less than 85 percent.
4. Waste management systems that discharge to the ocean must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.
5. Waste discharged through the AWMA Ocean Outfall must be essentially free of:
- Material that is floatable or will become floatable upon discharge.
 - Settleable material or substances that form sediments which degrade benthic communities or other aquatic life.
 - Substances which will accumulate to toxic levels in marine waters, sediments or biota.
 - Substances that significantly decrease the natural light to benthic communities and other marine life.
 - Materials that result in aesthetically undesirable discoloration of the ocean surface.

App. B

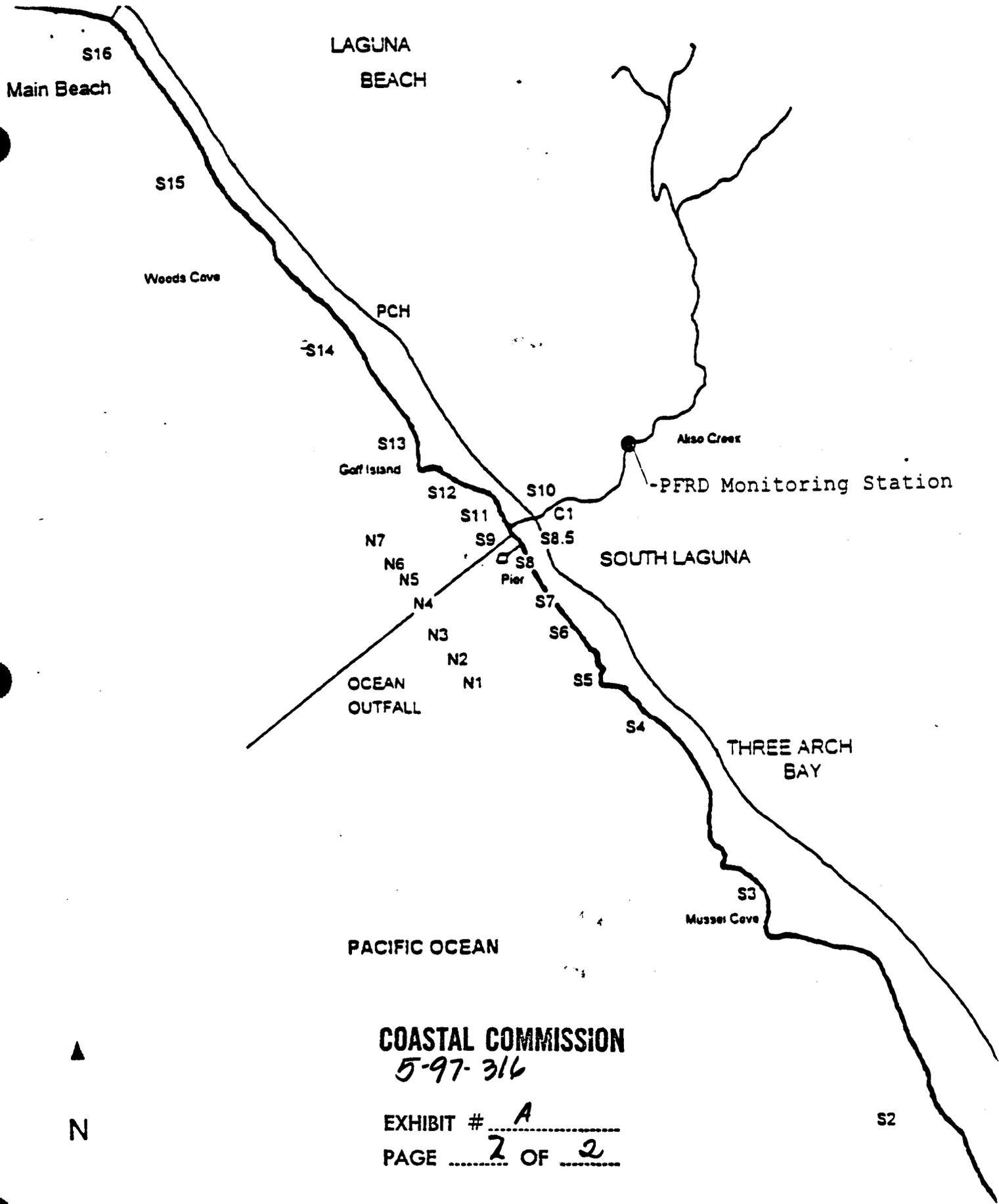
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berm site

COASTAL COMMISSION
VICINITY MAP

EXHIBIT # A
PAGE 1 OF 2



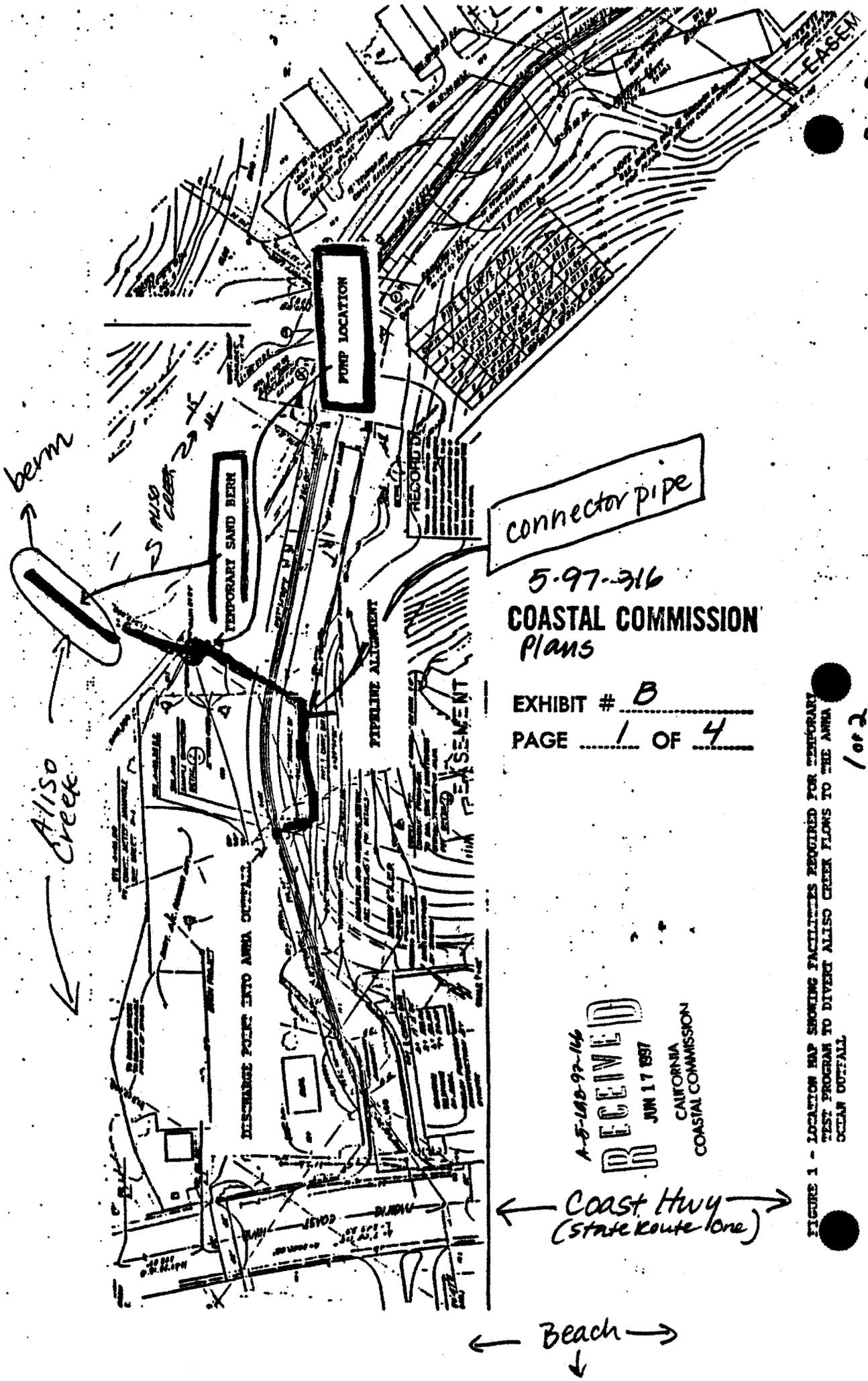
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EXHIBIT # A
PAGE 2 OF 2

**AWMA RECEIVING WATER
MONITORING STATIONS**

Figure 1



connector pipe

5-97-316

COASTAL COMMISSION
Plans

EXHIBIT # B

PAGE 1 OF 4

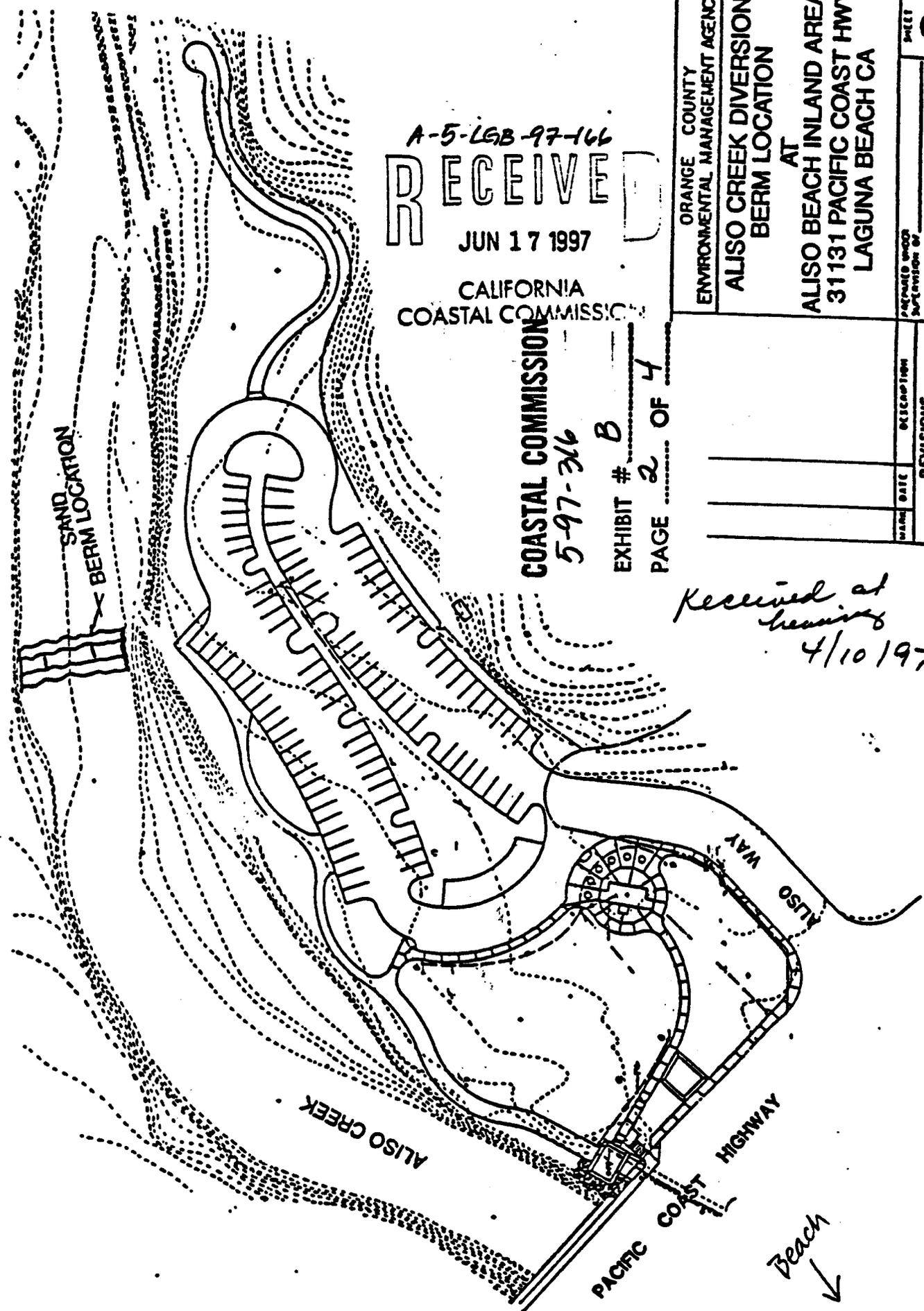
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JUN 17 1997
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COASTAL COMMISSION

← Coast Hwy (State Route One) →

← Beach →
↓

FIGURE 1 - LOCATION MAP SHOWING FACILITIES REQUIRED FOR TEMPORARY TEST PROGRAM TO DIVERT ALISO CREEK FLOWS TO THE ANMA OCEAN OUTFALL.

ALISO CREEK BEACH INLAND AREA



A-5-LGB-97-166
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COASTAL COMMISSION
 5-97-366
 EXHIBIT # B
 PAGE 2 OF 4

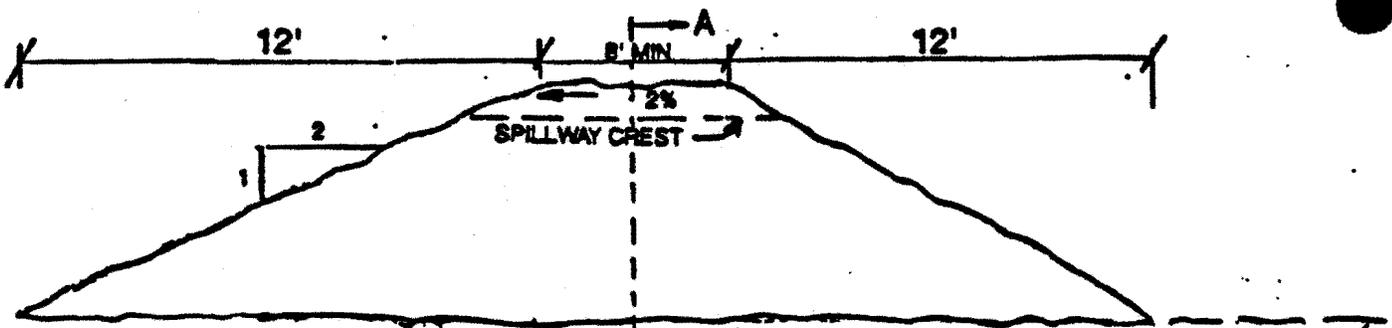
ORANGE COUNTY
 ENVIRONMENTAL MANAGEMENT AGENCY
 ALISO CREEK DIVERSION
 BERM LOCATION
 AT
 ALISO BEACH INLAND AREA
 31131 PACIFIC COAST HWY
 LAGUNA BEACH CA

NAME	DATE	DESCRIPTION
		REVISIONS

*Received at
 hearing
 4/10/97*

SHEET
 DATE

Prepared under
 Supervision of

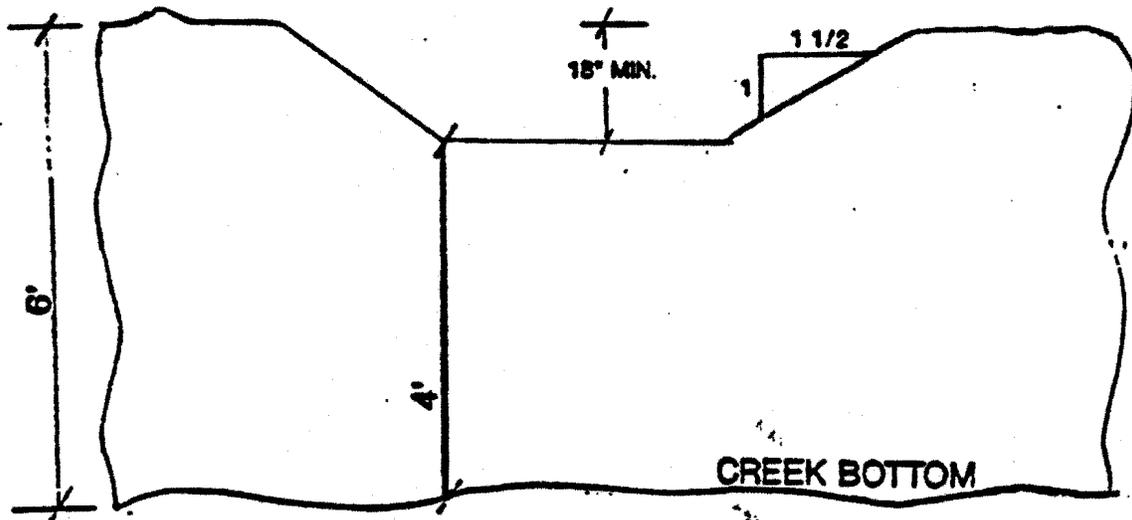
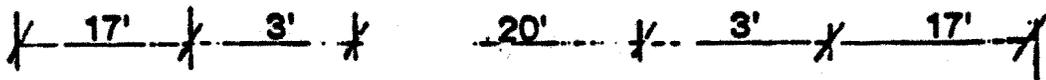


BERM SECTION
NO SCALE

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EXHIBIT # B

PAGE 3 OF 4



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SECTION AA

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ORANGE COUNTY
ENVIRONMENTAL MANAGEMENT AGENCY

ALISO CREEK DIVERSION BERM
CROSS SECTION

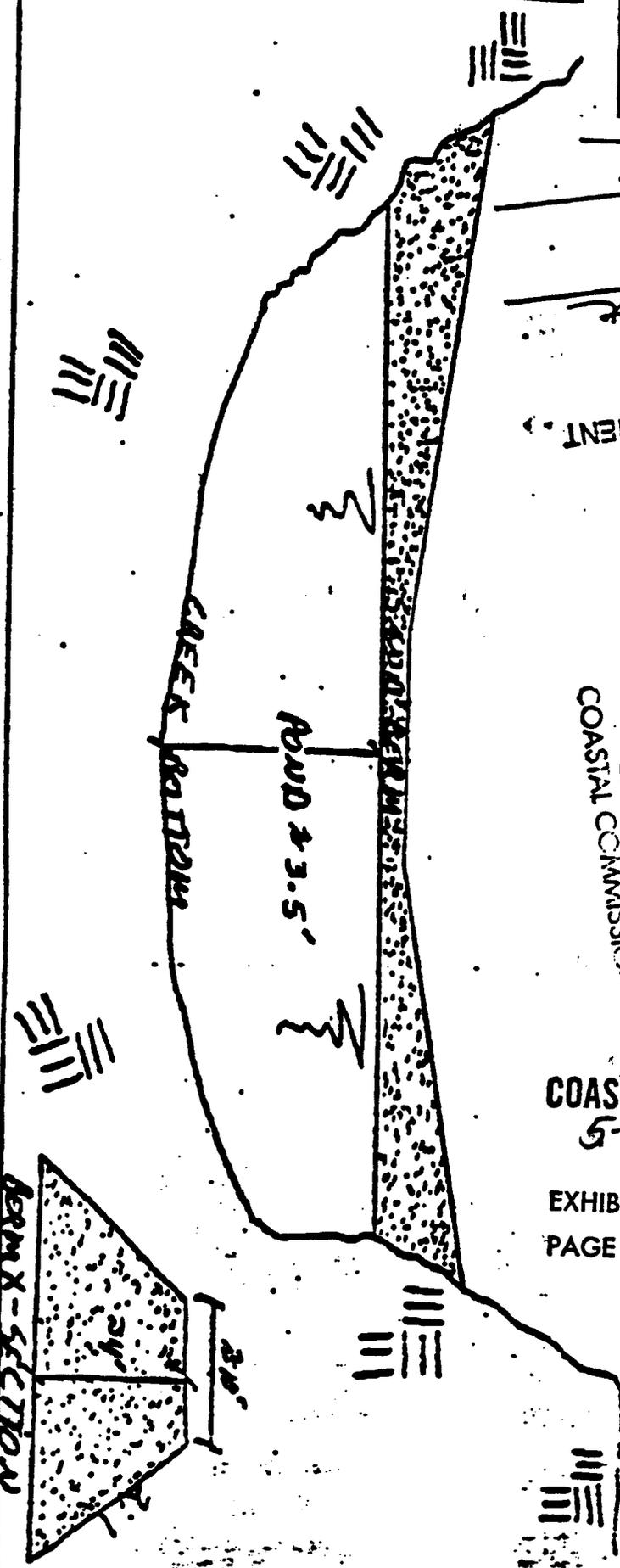
AT

ALISO CREEK BEACH
31131 PACIFIC COAST HWY
LAGUNA BEACH CA

FIGURE 3

AVMA SER

Post-It brand transmittal memo 7671		# of pages 1
To	KATHY HOTTES	From
Co.	CITY OF LAGUNA	Co.
Dept.	PLANNING	Phone #
Fax #	497-0771	Fax #
		834-248
		834-465



STAMPING ROOM 04-1-92
 STAMPING ROOM 04-1-92
 STAMPING ROOM 04-1-92

DATE 4/10/97
SIGNATURE R. Mark

BOARD OF ADJUSTMENT DENIED

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COASTAL COMMISSION
 5-97-316

EXHIBIT # B
 PAGE 4 OF 4

ALISO CREEK DIVERSION PROJECT
 BERM CROSS SECTION

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

**EMERGENCY PERMIT**

TO: County of Orange - Mike Wellborn
Planning and Development Services
300 North Flower Street, 3rd Floor
P.O. Box 4048
Santa Ana, CA 92702-4048

8 August 1997
Date
5-97-219-G
(Emergency Permit No.)

Aliso Creek, 300 feet upstream of the Coast Highway bridge, City of Laguna Beach, County of Orange

Location of Emergency Work

Collect creek flows and divert them to the existing outfall line which discharges approximately 1.5 miles offshore. This is to be accomplished by the installation of: a temporary sand berm in Aliso Creek; electric pump; and a pipe between a point in Aliso Creek, inland of the proposed berm, and an adjacent existing outfall line.

Work Proposed

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of ponding of polluted water at Aliso Beach requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the reverse.

5-97-316
COASTAL COMMISSION
Emergency Permit

EXHIBIT # C
PAGE 1 OF 4

Very Truly Yours,

Peter M. Douglas
Executive Director

Charles Damm

By: Charles Damm
Title: Deputy Director

COASTAL COMMISSION

5-97-316

EXHIBIT # C

PAGE 2 OF 4

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed prior to October 15, 1997.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
5. In exercising this permit the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
7. A. The applicant shall provide monitoring data required by the San Diego Regional Water Quality Control Board for; (1) the quantities and types of pollutants (both organic and heavy metals) being discharged from the outfall, and (2) the effects of the project on the marine environment in the vicinity of the outfall and Aliso Creek County Beach, including adverse effects on human health and marine life.

B. The applicant shall also monitor and provide data regarding; (1) the effects of the project on riparian vegetation along the banks of Aliso Creek inland of the proposed berm, and (2) the effects of the project on the adjacent Ben Brown's restaurant property, including any minor flooding which may occur.

C. The applicant shall submit the results of the monitoring, including any monitoring reports required by the San Diego Regional Water Quality Control Board for this development, to the Executive Director by November 30, 1997.
8. If the National Weather Service predicts a significant storm event would occur prior to October 15, 1997 which could cause flooding in Aliso Creek, the proposed berm shall be removed prior to the forecasted date of the storm event so that no flooding will occur. For purposes of this condition, a "significant storm event" shall be defined as: an event of one inch or more of rainfall within a 24 hour period.

9. This emergency permit does not authorize the development to continue past October 15, 1997. The development within Aliso Creek shall be removed in its entirety by October 15, 1997, and the development site restored to its previously existing state.

Condition #4 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission Area office.

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

cc: City of Laguna Beach Planning Department (w/o enclosures)

9218F:jta

COASTAL COMMISSION

5-97-316

EXHIBIT # C

PAGE 3 OF 4

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 500-5071



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EMERGENCY PERMIT ACCEPTANCE FORM

CALIFORNIA
COASTAL COMMISSION

Emergency Permit No. 5-97-219-G

Instructions: After reading the attached Emergency Permit, please sign this form and return within 15 working days from the Permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them. I understand that the emergency work is temporary and a regular Coastal Permit is necessary to make it a permanent installation.

[Handwritten Signature]
Signature of property owner or authorized representative.

Larry Paul

Name County of Orange/Harbors, Beaches & Parks
300 N. Flower Street

Address Santa Ana, CA 92702

Aug 15, 1997
Date of Signing

COASTAL COMMISSION
5-97-316

EXHIBIT # C
PAGE 4 OF 4

A-5-LGB-97-166
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Cal/EPA

California
Regional Water
Quality Control
Board, San Diego
Region

9771 Clairemont Mesa
Blvd., Suite A
San Diego, CA 92124
(619) 467-2952
FAX (619) 571-6972

September 18, 1997

Mr. David A. Caretto
General Manager
Aliso Water Management Agency
30290 Rancho Viejo Road
San Juan Capistrano, California 92675

RECEIVED

SEP 24 1997

A.W.M.A.



Dear Mr. Caretto

ADDENDUM NO. 1 TO ORDER NO. 95-107, NPDES PERMIT NO. CA0107611, "WASTE DISCHARGE REQUIREMENTS FOR THE ALISO WATER MANAGEMENT AGENCY, ORANGE COUNTY, DISCHARGE TO THE PACIFIC OCEAN THROUGH THE ALISO WATER MANAGEMENT AGENCY OCEAN OUTFALL"

Enclosed is a copy of Addendum No. 1 to Order No. 95-107 which modifies the waste discharge requirements for the Aliso Water Management Agency (AWMA). The Addendum allows the discharge of Aliso Creek flows through the AWMA Ocean Outfall between May 1 and October 15.

Please note that the Addendum modifies the Reporting Period for the Semiannual Monitoring, and also modifies the Effluent Monitoring to include the Aliso Creek flow to the Ocean Outfall. If AWMA will divert creek flow to the Ocean Outfall this year, the quarterly and semiannual effluent monitoring must include sampling of the creek flow.

If you have any questions, please contact Mr. Paul J. Richter of my staff at (619) 627-3929.

Respectfully,

John H. Robertus
JOHN H. ROBERTUS
Executive Officer

RECEIVED 5-97-316
NOV 24 1997

Enclosure
PJR
File: AWMA, 01-0117.02

CALIFORNIA
COASTAL COMMISSION

- cc: Mr. Larry Paul, County of Orange (w/enclosure)
- Mr. John T. Auyong, California Coastal Commission (w/enclosure)
- Mr. Mike Beanan & Mr. Ron Harris, South Laguna Civic Association
- Mr. John Youngerman, SWRCB (w/enclosure)
- Mr. Christopher Crompton, County of Orange (w/enclosure)
- Mr. Terry Oda, USEPA, Region 9 (w/enclosure)

COASTAL COMMISSION

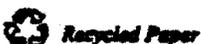
R.W.O.C.B. Approval

5-97-316

EXHIBIT # D

PAGE 1 OF 5

ADDENDUM 3



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

COASTAL COMMISSION

5-97-316

ADDENDUM NO. 1
TO
ORDER NO. 95-107

EXHIBIT # D

NPDES NO. CA0107611

PAGE 2 OF 5 WASTE DISCHARGE REQUIREMENTS

FOR THE
ALISO WATER MANAGEMENT AGENCY
ORANGE COUNTY

DISCHARGE TO THE PACIFIC OCEAN
THROUGH THE ALISO WATER MANAGEMENT AGENCY
OCEAN OUTFALL

5-97-316
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COASTAL COMMISSION

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. On December 14, 1995, this Regional Board adopted Order No. 95-107, NPDES No. CA0107611, Waste Discharge Requirements for the Aliso Water Management Agency, Orange County, Discharge to the Pacific Ocean Through the Aliso Water Management Agency Ocean Outfall. Order No. 95-107 established requirements for the discharge of up to 27 million gallons per day (MGD) of treated wastewater to the Pacific Ocean via the Aliso Water Management Agency (AWMA) Ocean Outfall.
2. On March 27, 1997, AWMA submitted an application to amend Order No. 95-107 to allow a diversion of summertime low flow from Aliso Creek to the Ocean Outfall. The diversion would occur from May through October 15th. The anticipated maximum flow rate would be 4.52 MGD and the anticipated average flow rate would be 3.23 MGD. The County of Orange would maintain the pumping and conveyance facilities.
3. Summertime flow in Aliso creek consists primarily of urban runoff. At the mouth of the creek, these flows pond behind a sand barrier. This ponded water contains high levels of coliform bacteria. Intermittently, the sand barrier is breached and the creek flows enter the Pacific Ocean. As a result, the adjacent ocean waters sometimes contain high levels of coliform bacteria. The presence of high levels of coliform bacteria is an indication that pathogens may be present. Consequently, water contact recreation in the creek and ocean waters near the mouth of the Aliso Creek ocean has been prohibited. The purpose of the creek diversion is to mitigate the threat to public health from the ponded water and any creek flow to the ocean.

4. The creek flow will be diverted to a small pump building and then pumped to the AWMA outfall. In the outfall, the creek flow will commingle with the treated secondary effluent from the AWMA treatment facilities.
5. AWMA has reported that the summertime flow diversion of the Aliso Creek to the ocean outfall is a temporary diversion for the protection of human health and that the summertime flow of Aliso Creek will be restored to its natural discharge channel in the future.
6. The issuance of this Addendum is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Water Code, Section 13389.
7. This Regional Board has notified AWMA and all known interested parties of its intent to modify Order No. 95-107.
8. This Regional Board, at a public meeting on August 13, 1997, has heard and considered all comments pertaining to the modification of Order No. 95-107.

IT IS HEREBY ORDERED THAT:

1. Prohibition A.4 of Order No. 95-107 shall be replaced by the following:
 4. Discharge to the Pacific Ocean through the AWMA Ocean Outfall in excess of 27.0 MGD average dry weather flow rate is prohibited unless the discharger obtains revised waste discharge requirements authorizing an increased flowrate. The summertime stream flows diverted from the Aliso Creek to the AWMA Ocean Outfall shall be included when calculating the average dry weather flowrate discharged through the AWMA Ocean Outfall. The summertime stream flow diversion from the Aliso Creek to the AWMA Ocean Outfall shall not exceed 4.52 MGD unless the discharger obtains revised waste discharge requirements authorizing an increased flowrate.

COASTAL COMMISSION

5-97.316

EXHIBIT # D
PAGE 3 OF 5

2. Order No. 95-107 shall be amended to add the following
Prohibition A.10.
 10. Diversion of Aliso Creek stream flows to the AWMA Ocean Outfall is prohibited between October 16, and April 30 each year.
3. Order No. 95-107 shall be amended to add the following
Discharge Specification B.11.
 11. The stream flow diversion from Aliso Creek to the AWMA Ocean Outfall shall be included as a component of the effluent limitations as listed in Discharge Specification B.2
4. The Semiannual Reporting Period and the Semiannual Report Due Date as listed in Monitoring Provision II.14 of Monitoring and Reporting Program No. 95-107 shall be replaced by following:

<u>Monitoring Frequency</u>	<u>Reporting Period</u>	<u>Report Due</u>
Semiannually	May -- October November -- April	November 30 May 30

5. The following paragraph shall be added to Monitoring and Reporting Program No. 95-107 in the IV. Effluent Monitoring section as the first paragraph in that section.

For the purposes of this Monitoring and Reporting Program, effluent includes Aliso Creek flows diverted to the AWMA Ocean Outfall as well as treatment plant effluent.

COASTAL COMMISSION

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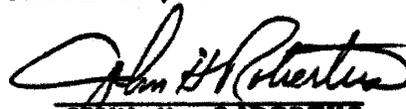
6. Monitoring and Reporting Program No. 95-107 shall be amended to add the following VI. Aliso Creek Monitoring.

VI. Aliso Creek Monitoring

The stream flow diversion from Aliso Creek to the AWMA Ocean Outfall shall be monitored for the following:

Parameter	Unit	Type of Sample	Minimum Frequency
Flowrate	MGD	recorder/totalizer	continuous
CBOD ₅ @20°C	mg/l	24-hr composite	daily ³
Suspended Solids	mg/l	24-hr composite	daily ³
pH	units	grab	daily ³
Total and fecal coliform	#/100ml	grab	weekly

I, John H. Robertus, Executive Officer of the San Diego Regional Water Quality Control Board, do hereby certify the foregoing is a full, true, and correct copy of Addendum No. 1 to Order No. 95-107 adopted by the California Regional Water Quality Control Board, San Diego Region, on September 17, 1997.


JOHN H. ROBERTUS
Executive Officer

COASTAL COMMISSION

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EXHIBIT # D

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COASTAL COMMISSION

Water Quality
Report

Aliso Creek Diversion Project

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NOV 24 1997

EXHIBIT # E

1997 Monitoring Report

PAGE 1 OF 13

CALIFORNIA
COASTAL COMMISSION

General

Per the requirements of the California Coastal Commission, Orange County Public Facilities and Resources Department (PFRD) / Harbors, Beaches and Parks and the Aliso Water Management Agency (AWMA) have performed a two week monitoring of the water quality and quantity in Aliso Creek, the final effluent from the AWMA Joint Regional Plant, and the ocean receiving waters. The constituents that were monitored are as prescribed in the project permit from the California Regional Water Quality Control Board - San Diego Region.

PFRD Data

Table 1 lists the data collected in Aliso Creek by PFRD. It shows that the water quality is that which is typically expected from a primarily residential and light-commercial land use watershed. With the exception of the bacteriological parameters (Total and Fecal Coliforms), the water quality is good and well within ocean discharge standards. The average daily flow rate was low and ranged from 1.74 to 2.13 cubic feet per second (cfs) or approximately 1.3 million gallons per day (mgd). It should be noted that there was a rainfall event on September 25, 1997 that interrupted the continuity of the monitoring. Figure 2 shows that there was approximately 0.7 inches of accumulated precipitation in the Aliso Creek Watershed at this time. Since the diversion project is intended for non-storm purposes only, monitoring was discontinued from September 25, 1997 to September 30, 1997 (until the effects of the storm subsided).

AWMA Data

In comparison, tables 2 and 3 show the results of water quality monitoring of the final effluent from the AWMA Joint Regional Treatment Plant. With an average daily flow rate of 6.78 to 11.33 mgd, the daily volume of the discharged effluent exceeded the daily volume of creek flow by approximately 5 to 9 times. The chemical and physical constituents measured showed the close similarities of treated wastewater and urban runoff in this watershed. Bacteriological measurements of the non-disinfected effluent were not made, and are obviously significantly higher than the values listed for Aliso Creek discharges. Figure 1 shows the nearshore and surf zone AWMA monitoring stations in the receiving waters. Tables 5 through 9 show the results of monitoring at these locations during the Aliso Creek Diversion Project study period. The results indicate that the good bacteriological water quality in the nearshore zone with occasional poor water quality in the surf zone. It should be noted that the outlet of Aliso Creek into the ocean could meander anywhere from station S-7 to station S-10.

Synopsis

The water quality and quantity monitoring performed during this study period indicates that diversion of Aliso Creek non-storm flow into the AWMA ocean outfall should not cause any increased negative impact on the nearshore environment and should improve water quality in the surf zone.

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ALISO CREEK STUDY
9/19/97 - 10/8/97

DATE	TIME	pH	TSS mg/L	CBOD mg/L	Total Coliform MPN/100 ml	Fecal Coli. MPN/100 ml	Ave. Flow cfs
9/19/97	10:30	7.6	23	<7	9,000	1,300	2.02
9/20/97	9:00	7.6	20	<7			1.96
9/21/97	10:00	7.5	10	<7			1.96
9/22/97	9:45	7.5	7	<7	5,000	700	2.10
9/23/97	9:30	7.8	10	<7	5,000	1,700	2.13
9/24/97	9:30	7.5	21	<7	1,300	170	2.09
10/1/97	9:30	7.4	13	<7	9,000	5,000	1.75
10/2/97	9:00	7.5	<6	<7	3,000	<20	1.78
10/3/97	9:40	7.5	6	<7	16,000	5,000	1.89
10/4/97	9:30	8.0	19	<7			1.85
10/5/97	9:30	7.5	13	<7			1.75
10/6/97	13:00	7.6	10	<7	5,000	5,000	1.76
10/7/97	9:00	7.5	6	<7	3,000	2,400	1.87
10/8/97	12:00	7.6	9	<7	9,000	2,400	1.74

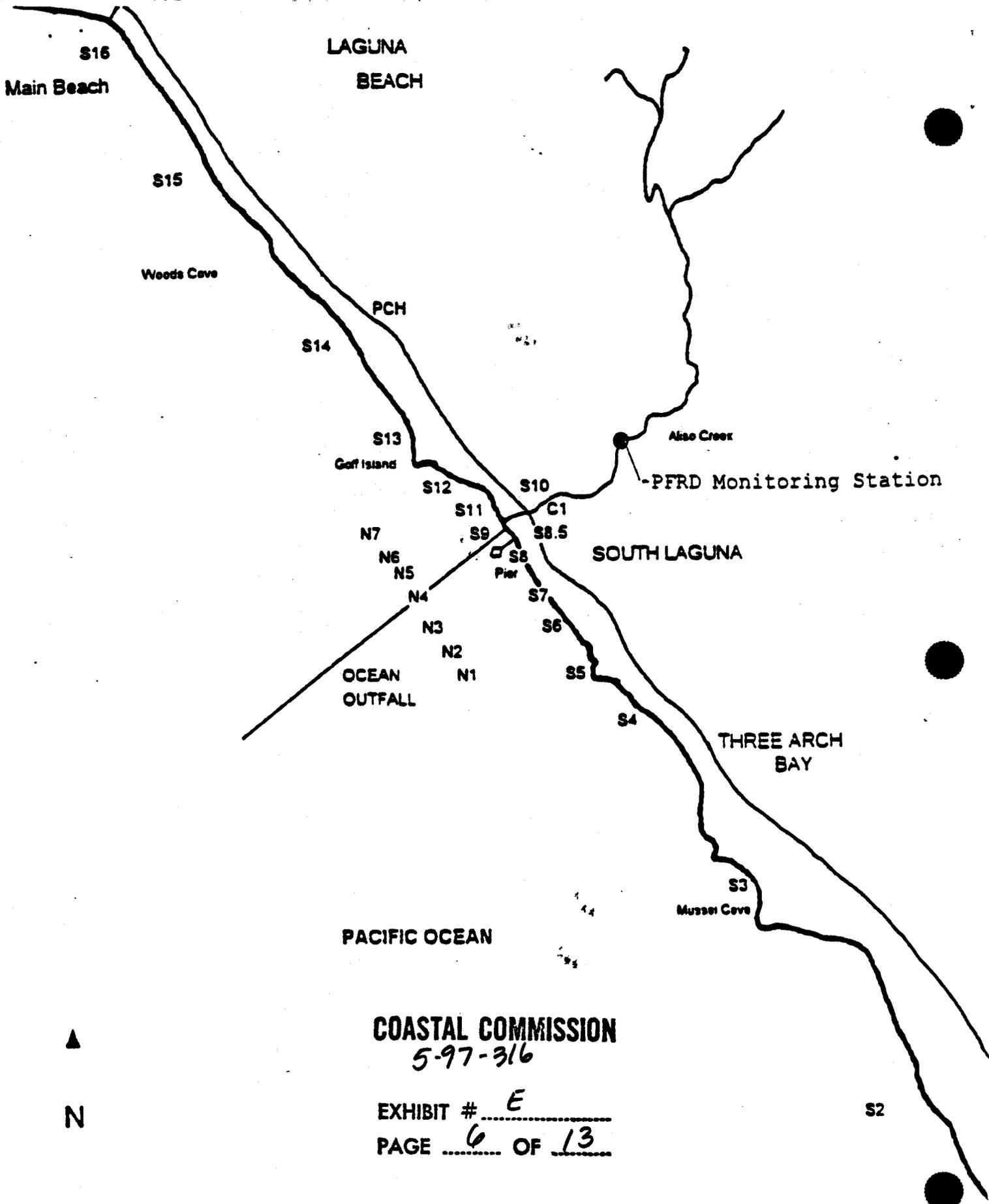
Composite sample represents 24-hr period prior to reported date/time

COASTAL COMMISSION

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PAGE 6 OF 13

**AWMA RECEIVING WATER
MONITORING STATIONS**

AWMA Shoreline Stations

AWMA's NPDES discharge permit requires surfzone samples be collected at these stations and tested for total and fecal coliform and enterococcus. The test results are located on the following pages.

Station	Location
S1	20,000' south of outfall - small beach north of Marine Studies Inst.
S2	15,000' south of outfall - Salt Creek beach; use access road to the beach, sample just north of the little rock jetty
S3	10,000' south of outfall - Three Arch Bay; straight down street at end, then left; access across from #5 house
S4	5000' south of outfall - 1000 steps beach, across from 9th Street
S5	4000' south of outfall - Laguna Lido Apt; take elevator at end of hall, push "B" (use floor "1" in winter when "B" boarded up)
S6	3,000' south of outfall - Table Rock, one way street; use stairs at end of street, sample just left of rock reef
S7	2,000' south of outfall - Camel Point (#1924); sample straight across from porta-potties
S8	1,000' south of outfall - So. of Aliso pier, straight down from trailer
S8.5	Adjacent and just north of pier
S9	Surf at outfall - sample straight down from manhole in parking lot
C1	In Aliso Creek, on east side of PCH bridge
S10	1,000' no. of outfall - Treasure Isl., so. end, at house w/ gray pillars
S11	2,000' no. of outfall - Treasure Isl. south end, 50 ft. from ramp
S12	3,000' no. of outfall - Treasure Isl, access just left of isl. at old pier
S13	4,000' no. of outfall - Blue Lagoon; access through Treasure Island
S14	5,000' north of outfall - Diamond Street, straight down from stairs
S15	10,000' north of outfall - Mountaine Road; straight down from stairs
S16	15,000' north of outfall - Laguna Ave.; park at cul-de-sac near Main Beach, sample in front of Hotel Laguna

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AWMA's NPDES discharge permit requires nearshore samples be collected monthly at the N stations shown on the preceding map. Samples are collected at the surface, mid, and bottom depths and analyzed for total and fecal coliform, and enterococcus. The test results are given below.

DISCHARGER: AWMA
 REPORT FOR: September 1997
 REPORT DUE: October 30, 1997
 SAMPLE SOURCE: Receiving water, nearshore
 EXACT SAMPLE POINTS: As specified in permit
 SAMPLES COLLECTED BY: SERRA Lab
 SAMPLES ANALYZED BY: SERRA Lab

NPDES No. CA0107611
 ORDER/RESOLUTION No. 95-107
 REPORT FREQUENCY: Monthly
 SAMPLING FREQUENCY: Monthly
 TYPE OF SAMPLE: Grab

Comments: Overcast and humid; heavy surf; high tide at 10:16, rain on 9/14-15.

Sta No	Sample Depth	Sample Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml	Sample Time	Oil & Grease	Sewage Debris
N1	Surface	09/17/97	50	10	<10	09:55	0	0
N1	25'	09/17/97	10	<10	<10		0	0
N1	50'	09/17/97	<10	10	<10		0	0
N2	Surface	09/17/97	<10	<10	<10	09:45	0	0
N2	25'	09/17/97	<10	<10	<10		0	0
N2	50'	09/17/97	<10	<10	<10		0	0
N3	Surface	09/17/97	<10	<10	<10	09:40	0	0
N3	25'	09/17/97	<10	10	<10		0	0
N3	50'	09/17/97	<10	10	<10		0	0
N4	Surface	09/17/97	<10	<10	<10	09:30	0	0
N4	25'	09/17/97	<10	<10	<10		0	0
N4	50'	09/17/97	<10	<10	<10		0	0
N5	Surface	09/17/97	<10	<10	<10	09:30	0	0
N5	25'	09/17/97	<10	10	<10		0	0
N5	50'	09/17/97	10	<10	<10		0	0
N6	Surface	09/17/97	<10	<10	<10	09:10	0	0
N6	25'	09/17/97	<10	10	<10		0	0
N6	50'	09/17/97	<10	<10	<10		0	0
N7	Surface	09/17/97	70	10	<10	09:00	0	0
N7	25'	09/17/97	<10	<10	<10		0	0
N7	50'	09/17/97	<10	<10	<10		0	0

*0 - None
 1 - Mild
 2 - Moderate
 3 - Severe
 4 - Extreme

REQUIREMENT (1) Floating particulates and grease and oil shall not be visible (2) The discharge of waste shall not cause aesthetically undesirable discoloration of the ocean surface.

COASTAL COMMISSION

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EXHIBIT # E

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WEEKLY RECEIVING WATER REPORT FOR ORANGE COUNTY HEALTH DEPARTMENT

Aliso Water Management Agency

NPDES No. CA0107611

DISCHARGER: AWMA
 REPORT FOR: September 14 through 20, 1997
 SAMPLE SOURCE: Receiving water surf zone
 EXACT SAMPLE POINTS: As specified in permit
 SAMPLES COLLECTED BY: SERRA Lab
 SAMPLES ANALYZED BY: SERRA Lab
 TYPE OF SAMPLE: Grab

ORDER/RESOLUTION No. 95-107
 REPORT FREQUENCY: Weekly

COMMENTS: Aliso Creek reaches surfzone north of S9.
 Rain on 09/14-15/97.

Station No.	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Entero-coccus CFU/100ml	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Entero-coccus CFU/100ml
S-1	09/16/97	<10	<10	<10	09/18/97	6	8	2
S-2	09/16/97	<10	<10	20	09/18/97	8	2	2
S-3	09/16/97	40	10	<10	09/18/97	2	2	10
S-4	09/16/97	1000	650	<10	09/18/97	20	<10	<10
S-5	09/16/97	40	<10	<10	09/18/97	10	2	<2
S-6	09/16/97	110	20	10	09/18/97	6	<2	<2
S-7	09/16/97	60	10	<10	09/18/97	30	<10	10
S-8	09/16/97	80	50	10	09/18/97	10	10	<10
S-8.5	09/16/97	70	50	100	09/18/97	<10	10	<10
S-9	09/16/97	20	10	10	09/18/97	30	<10	<10
S-10	09/16/97	<10	10	10	09/18/97	60	30	20
S-11	09/16/97	10	<10	<10	09/18/97	24	6	4
S-12	09/16/97	10	<10	<10	09/18/97	2	<2	4
S-13	09/16/97	1600	750	<10	09/18/97	<2	<2	<2
S-14	09/16/97	40	40	20	09/18/97	4	<2	<2
S-15	09/16/97	250	100	70	09/18/97	10	2	2
S-16	09/16/97	320	91	100	09/18/97	20	20	<10
C-1	09/16/97	15000	6700	900	09/18/97	3600	2800	250

REQUIREMENT (a) Samples of water from each sampling station shall have a density of total coliform organisms less than 1,000 per 100 ml, provided that not more than 20% of the samples at any sampling station, in any 30 day period, may exceed 1000 per 100 ml, and provided that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml. (b) The fecal coliform density based on a minimum of not less than 5 sample for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10% of the total samples during any 60-day period exceed 400 per 100 ml

SAMPLING FREQUENCY: Twice weekly

COASTAL COMMISSION

5-97-316

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WEEKLY RECEIVING WATER REPORT FOR ORANGE COUNTY HEALTH DEPARTMENT

Aliso Water Management Agency

NPDES No. CA0107611

DISCHARGER: AWMA

ORDER/RESOLUTION No 95-107

REPORT FOR: September 17 and 24, 1997

REPORT FREQUENCY: Weekly

SAMPLE SOURCE: Receiving water sur zone

EXACT SAMPLE POINTS: As specified in permit

SAMPLES COLLECTED BY: SERRA Lab

SAMPLES ANALYZED BY: SERRA Lab

TYPE OF SAMPLE: Grab

COASTAL COMMISSION

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COMMENTS Aliso Creek reaching surzone just north of S9
No sample at S7 09/17/97 due to high tide that impeded access.

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Station No	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml
S-1								
S-2								
S-3								
S-4								
S-5								
S-6								
S-7	09/17/97	N/S	N/S	N/S	09/24/97	<10	<10	<10
S-8	09/17/97	<10	10	<10	09/24/97	10	<10	<10
S-8 s	09/17/97	<10	<10	<10	09/24/97	200	20	<10
S-9	09/17/97	<10	<10	30	09/24/97	<10	<10	<10
S-10	09/17/97	<10	<10	<10	09/24/97	<10	<10	<10
S-11	09/17/97	<10	<10	<10	09/24/97	<10	<10	10
S-12	09/17/97	<10	<10	<10	09/24/97	<10	<10	<10
S-13								
S-14								
S-15								
S-16								
C-1	09/17/97	3,200	820	310	09/24/97	80	40	<10

REQUIREMENT (a) Samples of water from each sampling station shall have a density of total coliform organisms less than 1,000 per 100 ml, provided that not more than 20% of the samples at any sampling station, in any 30-day period, may exceed 1,000 per 100 ml, and provided that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml. (b) The fecal coliform density based on a minimum of not less than 5 sample for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10% of the total samples during any 30-day period exceed 400 per 100 ml.

SAMPLING FREQUENCY: Three times weekly

WEEKLY RECEIVING WATER REPORT FOR ORANGE COUNTY HEALTH DEPARTMENT

Aliso Water Management Agency

NPDES No. CA0107611

DISCHARGER: AWMA

ORDER/RESOLUTION No. 95-107

REPORT FOR: September 21 through 27, 1997

REPORT FREQUENCY: Weekly

SAMPLE SOURCE: Receiving water surf zone

EXACT SAMPLE POINTS: As specified in permit

SAMPLES COLLECTED BY: SERRA Lab

SAMPLES ANALYZED BY: SERRA Lab

TYPE OF SAMPLE: Grab

COMMENTS: Aliso Creek reaches surfzone at S9 on 9/23, surf washing into pooled creek on 9/25. On 9/25, pool of runoff noted at S2, S6, S11, and S15. Runoff to surf at S16 on 9/25. Rain beginning 1/24, becoming heavy during sampling on 9/25.

Station No	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml
S-1	09/23/97	4	2	20	09/25/97	20	20	30
S-2	09/23/97	42	8	2	09/25/97	50	10	30
S-3	09/23/97	30	10	4	09/25/97	20	<10	20
S-4	09/23/97	16	18	12	09/25/97	<10	<10	<10
S-5	09/23/97	10	4	18	09/25/97	30	30	10
S-6	09/23/97	<2	<2	4	09/25/97	<10	10	<10
S-7	09/23/97	<10	10	40	09/25/97	20	20	30
S-8	09/23/97	90	20	10	09/25/97	40	50	10
S-8.5	09/23/97	220	10	10	09/25/97	80	50	90
S-9	09/23/97	270	70	10	09/25/97	73	60	40
S-10	09/23/97	10	<10	<10	09/25/97	40	10	10
S-11	09/23/97	<2	2	2	09/25/97	<10	10	<10
S-12	09/23/97	2	8	<2	09/25/97	190	130	130
S-13	09/23/97	8	<2	2	09/25/97	30	60	<10
S-14	09/23/97	4	6	140	09/25/97	850	480	290
S-15	09/23/97	18	6	16	09/25/97	630	340	180
S-16	09/23/97	30	<10	10	09/25/97	2,700	720	780
C-1	09/23/97	1,100	130	82	09/25/97	10,100	4,200	960

REQUIREMENT: (a) Samples of water from each sampling station shall have a density of total coliform organisms less than 1,000 per 100 ml, provided that not more than 20% of the samples at any sampling station, in any 30-day period, may exceed 1000 per 100 ml, and provided that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml. (b) The fecal coliform density based on a minimum of not less than 5 sample for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10% of the total samples during any 60-day period exceed 400 per 100 ml.

SAMPLING FREQUENCY: Twice weekly

COASTAL COMMISSION

5-97-366

EXHIBIT # E

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WEEKLY RECEIVING WATER REPORT FOR ORANGE COUNTY HEALTH DEPARTMENT

Aliso Water Management Agency

NPDES No. CA0107611

DISCHARGER: AWMA

ORDER/RESOLUTION No. 95-107

REPORT FOR: September 29 and 30, 1997

REPORT FREQUENCY: Weekly

SAMPLE SOURCE: Receiving water surf zone

EXACT SAMPLE POINTS: As specified in permit

SAMPLES COLLECTED BY: SERRA Lab

SAMPLES ANALYZED BY: SERRA Lab

TYPE OF SAMPLE: Grab

COMMENTS: Aliso Creek reaches surfzone between S7 and S8 on 9/29; pooled above surf on 9/30.
No other runoff noted.

Station No	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml	Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml
S-1	09/29/97	40	10	<10				
S-2	09/29/97	<10	<10	<10				
S-3	09/29/97	50	10	20				
S-4	09/29/97	<10	<10	10				
S-5	09/29/97	20	<10	<10				
S-6	09/29/97	<10	<10	<10				
S-7	09/29/97	10	<10	<10	09/30/97	18	2	2
S-8	09/29/97	40	10	<10	09/30/97	60	20	<10
S-9	09/29/97	150	70	20	09/30/97	80	30	10
S-10	09/29/97	50	60	20	09/30/97	200	50	20
S-11	09/29/97	20	<10	<10	09/30/97	4	<2	<2
S-12	09/29/97	<10	<10	<10	09/30/97	2	4	<2
S-13	09/29/97	10	20	10	09/30/97	2	<2	<2
S-14	09/29/97	<10	<10	<10				
S-15	09/29/97	50	40	50				
S-16	09/29/97	20	10	10				
C-1	09/29/97	60	50	40				
	09/29/97	1,800	980	280	09/30/97	>2000	510	240

REQUIREMENT (a) Samples of water from each sampling station shall have a density of total coliform less than 1,000 per 100 ml, provided that not more than 20% of the samples at any sampling station, in any 30-day period, may exceed 1000 per 100 ml, and provided that no single sample when verified by a repeat sample taken within 48 hours shall exceed 10,000 per 100 ml. (b) The fecal coliform density based on a minimum of not less than 5 sample for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10% of the total samples during any 60-day period exceed 400 per 100 ml.

SAMPLING FREQUENCY: Twice weekly

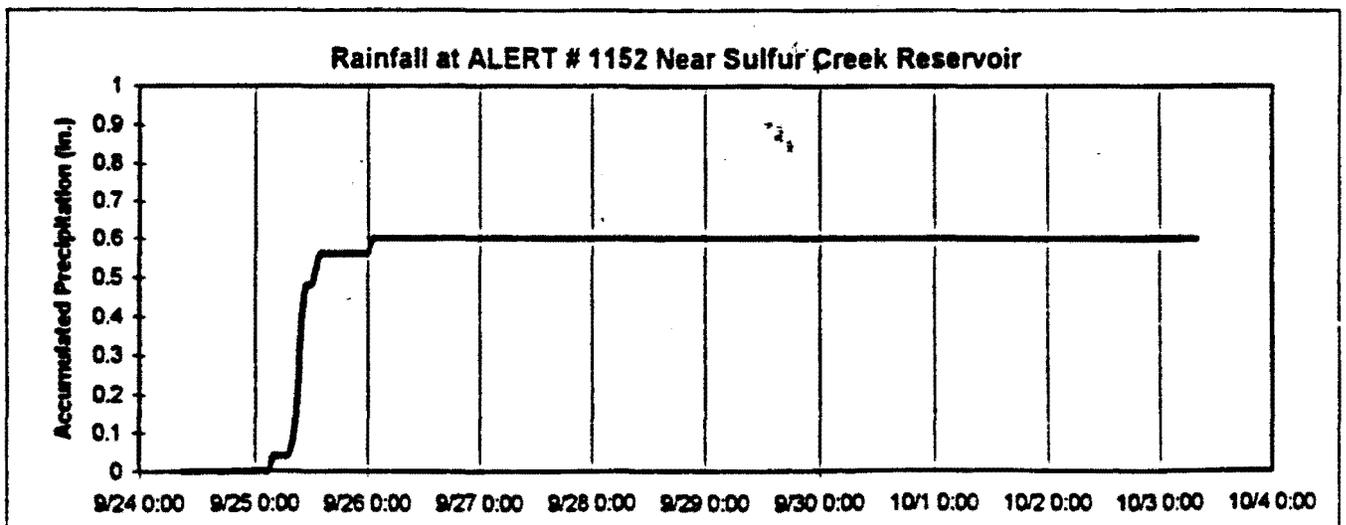
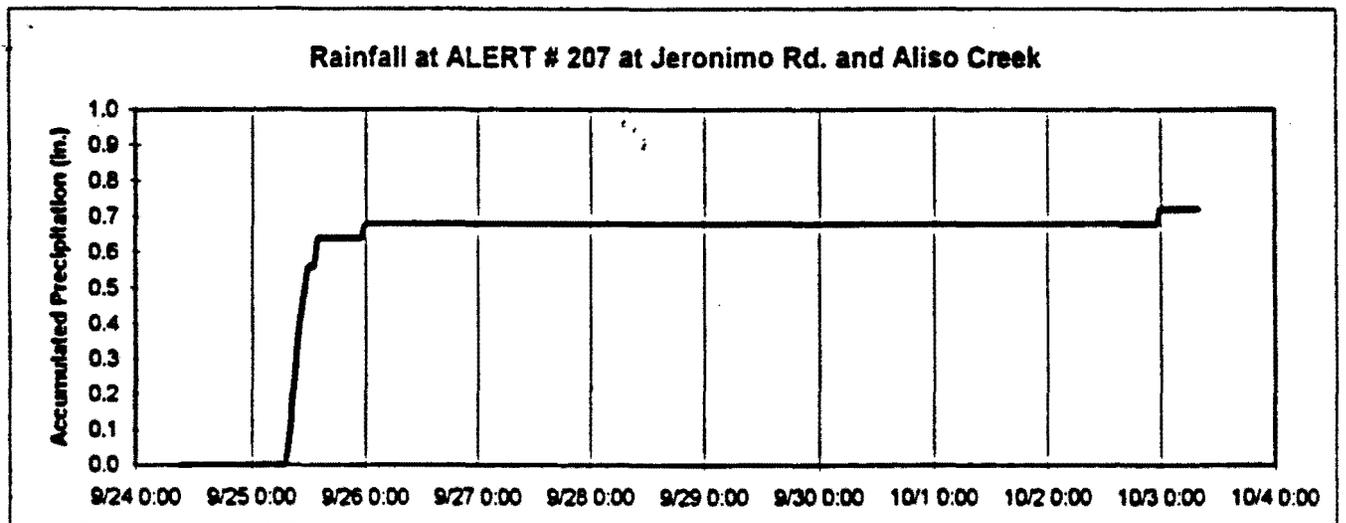
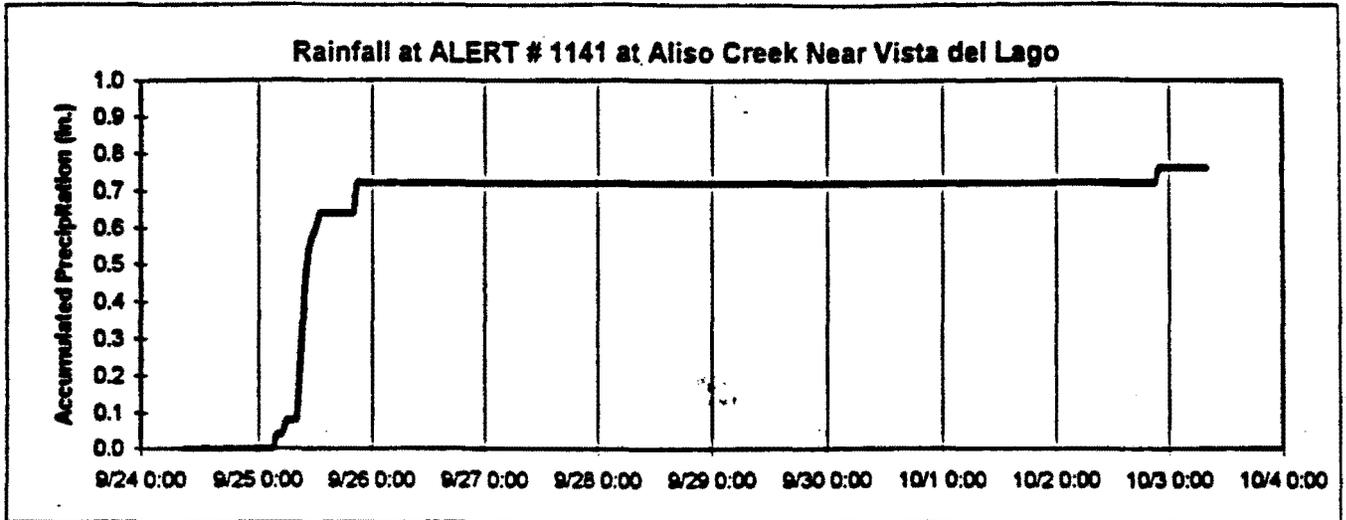
COASTAL COMMISSION

5-97-316

EXHIBIT # E

PAGE 12 OF 13

Accumulated Precipitation at Three Rain Gauges in Aliso Creek Watershed





Aliso Creek Inn
AND GOLF COURSE

A-5-LGB-97-166

RECEIVED
JUN 17 1997

February 22, 1996

Laguna Beach Director of Community Development
City of Laguna Beach

CALIFORNIA
COASTAL COMMISSION

Re: Coastal Development Permit 95-89

As outlined in our letter of January 17, 1996 as well as during our attendance at the last Design Review Board, we have several concerns regarding the above permit and project.

In reviewing your resolution approving the permit, you continue to ignore the project's impact on Aliso Creek Inn. Paragraph three of the resolution states that the development "will not adversely affect recreational facilities...and that the stream diversion removes ponded water." It in fact moves it up stream to our course and collects on the course rather than on the beach.. Paragraph four further states that it is designed to prevent adverse impacts in "adjacent recreation areas." We are located 175 yards adjacent to the test site!!! Your Negative Declaration study has no mention of Aliso Creek Inn whatsoever.

Add to the concerns previously stated, a very real problem of the creek's capacity to carry the volumes of water slowed by the berm. While the pump is pumping, not even assuming breakdowns, the water is slowed and silt will deposit upstream of the site. Slowly but surely the creek bed level rises, diminishing the creek's capacity to contain water within it's banks.

We've discussed odor, noise, mosquitoes, ponding and the like. Who will be responsible if a golfer complains about these factors, or becomes sick or hurt? Who is responsible if September floods unexpectedly hit the watershed and waters back-up suddenly, before the berm is breached. Liability must be addressed.

We do not feel we will have full use and enjoyment of our property as we did prior to such a project. Understand that if we see that this is in fact the case, alternate measures to remove the berm and discontinue the proposed project must be explored.

Again, we have been serving the City of Laguna Beach, and the County of Orange before that, for 35 years and join in your combined desire to clean up Aliso Beach. But we do not feel it has to be done at our expense.

Sincerely,

Violet Brown

5-97-316
COASTAL COMMISSION
Opposition letters
EXHIBIT # F
PAGE 1 OF 2

CALIFORNIA COASTAL COMMISSION
 ATTN: STEVE RINES

FAX (562) 590-5084
 JUNE 3, 1997

RE: APPEAL OF CDP NO. 97-19
 CITY OF LAGUNA BEACH

AS A PREREQUISITE AT ALL LEVELS IN THE PROJECT REVIEW PROCESS, TESTIMONY WAS PROVIDED IN WRITTEN AND ORAL FORM TO ALERT DECISION MAKERS TO SIGNIFICANT VIOLATIONS OF THE OPEN SPACE AND CONSERVATION ELEMENTS OF THE LAGUNA BEACH GENERAL PLAN / LOCAL COASTAL PLAN AS ADOPTED MAY 1, 1984.

SPECIFICALLY THE PROPOSED PROJECT DOES NOT ADDRESS OR ADEQUATELY MITIGATE IMPACTS TO TIDE POOLS AND MARINE HABITATS (PG. 14 - TOPIC 2 - A & B AND POLICIES 2-A AS PERTAINS TO COASTAL BIODIVERSITY, WHALE, SQUID HABITATS AND 2-B); AND WATER QUALITY AND CONSERVATION (PG. 24 - TOPIC 4 "OCEAN RESOURCES" AND POLICIES 4-A AND 4-H).

THE PROPOSED PROJECT VIOLATES COASTAL ACT POLICIES SECTION 30230; 30231; 30236 AND 30240 AS THEY PERTAIN TO THE ALYD WOODS/CANYON RIPARIAN, WATERBODIES, WETLANDS, BEACH AND OCEAN HABITATS.

THANK YOU.

ROD DALOMEZ *(signature)*

COASTAL COMMISSION
 5-97-316

EXHIBIT # F
 PAGE 2 OF 2



**COUNTY OF ORANGE
HEALTH CARE AGENCY**



**TOM URAM
DIRECTOR**

**HUGH STALLWORTH, M.D.
HEALTH OFFICER**

**JACK MILLER, MS
DEPUTY DIRECTOR**

**MAILING ADDRESS:
2009 EAST EDINGER AVENUE
SANTA ANA, CA 92705-4720**

**TELEPHONE: (714) 657-3600
FAX: (714) 972-0749**

**PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH**

COASTAL COMMISSION

15-97-316: Support Letters

March 4, 1997

EXHIBIT # 67

PAGE 1 OF 9

John Robertus, Executive Officer
San Diego Regional Water Quality Control Board
9771 Clairemont Mesa Blvd., Suite A
San Diego, CA 92124-1331

RECEIVED
JUN 17 1997
15-97-316
CALIFORNIA
COASTAL COMMISSION

SUBJECT: ALISO CREEK DIVERSION

Dear Mr. Robertus:

Aliso Creek receives urban runoff from a variety of non-point sources within the watershed and subsequently discharges into the ocean at Aliso Beach. Current and historical monitoring of Aliso Creek waters by the Orange County Health Care Agency (HCA) and other agencies indicate that total coliform bacteria levels are consistently elevated. Although the coliform bacteria in the creek are not typically of sewage origin, there have been intermittent, unauthorized discharges of sewage into creek waters resulting in numerous closures of portions of Aliso Beach. The creek bath is regarded as chronically contaminated and is therefore permanently posted with warning signage stating, "Keep Out", "Contaminated Water". In spite of the signage, small children and surfers still find the creek waters attractive.

The Santa Monica Bay Restoration Project recently released the result of a large-scale epidemiology study which found, in part, that there was an increased risk of illness associated with swimming at or near flowing storm drain outlets of Santa Monica Bay. The study also recommended a number of action items including, but not limited to, preventing and controlling the discharge of pathogens into urban runoff, diverting dry weather flows to sewage treatment facilities, identifying and eliminating illegal connections to the storm drain system, initiating sanitary surveys of the watershed, and educating the public.

In response to these concerns, discussions to divert Aliso Creek waters away from Aliso Beach during dry weather periods are underway. HCA strongly supports the dry weather diversion as an interim solution to the potential public health concerns associated with the intermittent unauthorized discharges of sewage and urban runoff at Aliso Beach.

Letter from Jack Miller

John Robertus
March 4, 1997
Page 2

If you have any questions, please feel free to contact me or Larry Honeybourne of my staff at (714) 667-3750.

Very truly yours,



Jack Miller, REHS, Director
Environmental Health Division

JM:dp

cc: Larry Paul, PFRD, HBP
David Carretto, AWMA
✓ Ken Frank, City of Laguna Beach

COASTAL COMMISSION

597-316

EXHIBIT # 6

PAGE 2 OF 9

ROBERTUS.LTR/WQ7

Letter from the Orange County
Health Care Agency to the
San Diego Regional Water
Quality Control Board



ALISO WATER MANAGEMENT AGENCY

30280 RANCHO VIEJO ROAD • SAN JUAN CAPISTRANO, CA 92675 • (714) 489-7730 • FAX (714) 489-7724

July 3, 1997

California Coastal Commission
South Coast Area
P. O. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
JUL 7 1997

RE: PERMIT #A-5-LGB-97-166
ALISO CREEK DIVERSION PROJECT

CALIFORNIA
COASTAL COMMISSION

Ladies and Gentlemen:

On behalf of the Aliso Water Management Agency (AWMA) and its six Member Agencies which serve the water and/or wastewater needs of the vast majority of residents within the Aliso Creek Watershed, I am writing to express support for the County of Orange's proposed Aliso Creek Diversion Project. This project, as designed, would divert up to 5 cfs of polluted creek water during dry weather periods into the AWMA Outfall and away from Aliso Beach where it can harm children and other beach users.

We at AWMA are cooperating with the County of Orange and others on this project because we recognize it as a temporary solution to a problem which has plagued Aliso Beach for the many years since polluted urban runoff to the creek became a serious problem. We also realize that this is only a temporary measure and that the real solution to the problem will come after the completion of the U. S. Army Corps of Engineers Aliso Creek Watershed Management Study which is now underway.

We encourage the Commission to act responsibly to protect the health and welfare of the thousands of residents and tourists who use Aliso Beach, and we urge you to reject the appeal and approve the Aliso Creek Diversion Project [Permit #A-5-LGB-97-166].

Thank you for your attention to this matter.

Very truly yours

Herbert H. Hayes
Herbert H. Hayes, Chairman
Aliso Water Management Agency

COASTAL COMMISSION

5-97-316

EXHIBIT # 6
PAGE 3 OF 9

rti ~~A-5-LGB-97-166 Addendum: Letter # 4, p. 1 of 1~~

A public agency created by:

CITY OF LAGUNA BEACH • EL TORO WATER DISTRICT • EMERALD BAY SERVICE DISTRICT
LOS ALISOS WATER DISTRICT • MOULTON NIGUEL WATER DISTRICT • SOUTH COAST WATER DISTRICT

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July 1, 1997

COASTAL COMMISSION

5-97-316

EXHIBIT # 9

PAGE 4 OF 9

Charles Damm
District Director
California Coastal Commission
P.O. Box 1450
Long Beach, CA 90801

~~A-5-LGB-97-166~~

~~Addendum~~

~~Letter #1~~

~~Letter from the City of Laguna Beach~~

~~Page 1 of 2~~

Dear Mr. Damm:

I am writing this letter to follow up on my meeting yesterday with you and other members of your staff regarding appeal number A-5-LGB-97-166 which is an appeal from an approval by the City of Laguna Beach. The City, Orange County, the Aliso Water Management Agency and the South Coast Water District are all cooperating to install a temporary sand berm in Aliso Creek so that summer nuisance water can be transported to an existing sewage outfall. This will remove that polluted water from the near shore portion of the beach which is used by swimmers, surfers and small children. This project is intended to improve the water quality and protect the health of everyone who goes in the water at Aliso Beach.

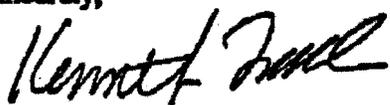
During our meeting, I indicated that the creek water currently reaches the ocean each day since the County cuts open the sand berm that presently causes the water to pond near the ocean. This means that the polluted creek water is being fed into the near shore ocean water on a daily basis. Our proposal would transport that same water more than a mile offshore which will be of major benefit to beach users. Therefore, the issue raised in the staff report about the project's impact on offshore water quality should be moot since there will be no change to the amount of creek water entering the ocean each day.

A second issue raised in the staff report is the possible disturbance of the banks and borders of Aliso Creek. At the time your staff report was prepared, you did not have a copy of the permit which has been issued by the State Department of Fish and Game. That permit requires us to restore the banks of the creek. However, as a practical matter, there will be virtually no change whatsoever to the banks of the creek. As Larry Paul indicated, there will be an 8" diameter pipe that goes over the bank into the creek. That pipe will have virtually no impact on any sand or any vegetation. While there will be some minor disturbance of vegetation because the water will pond behind the temporary sand berm, the State Department of Fish and Game has already determined that there would be no damage to native habitat such as willows or mule fat. Instead, there is some ice plant and other non-native species at that portion of the bank that may be impacted in a very minor way. Again, State Fish and Game has already issued a permit for this project.

I hope that this letter clarifies some of the issues that were raised in the staff report. It is our position that there is no substantial issue raised by the appeal and that the Commission should vote to authorize the project to proceed in a timely manner so this public health measure can benefit everyone using Aliso Beach this summer.

Thanks for your cooperation in helping to resolve any issues regarding this project.

Sincerely,



Kenneth Frank
City Manager

- cc: City Council
- Larry Paul, Orange County Director of Community Development
- Dave Caretto, Aliso Water Management Agency
- Mike Dunbar, South Coast Water District

A-5-LGB-97-166 Addendum
Letter #1
p. 2 of 2

COASTAL COMMISSION

5-97-316

EXHIBIT # 3

PAGE 5 OF 9



Surfrider Foundation, Laguna Chapter

2955 Laguna Canyon Road
Laguna Beach, CA 92651
(714) 494-0059
Fax 494-5485

7-3-97

California Coastal Commission
South Coast Area
Re: Permit number: A-5-LGB-97-166

COASTAL COMMISSION

5-97-316

EXHIBIT # 5
PAGE 6 OF 9

Dear Sirs,

I am writing on behalf of my fellow Laguna Chapter members, Christian Morris Smith, and Bob Foes. We are very much in support of the berm proposition for Aliso Creek as an interim solution to the problem.

We see it as an excellent way to reduce public exposure, while the long term solution is developing. Public exposure means thousands of hours of exposure to the bathers who play within 20 yards of the mouth or in the creek itself. The warning signs have no impact whatsoever on most of the people who visit Aliso, and a significant number of bathers are entirely unaware of the likelihood of infection.

The skimboards, and surfers refer to Aliso as Spilliso Beach. Because we are a collective group of beach users, we communicate between ourselves far more frequently than the average beach user. We know, with absolute certainty, by virtue of decades of anecdotal evidence, that the creek frequently causes illness and infection. Just like the issue of smoking and cancer. Our county officials, just like the tobacco lawyers, have repeatedly stated that there hasn't been a single documented case of this happening. BUT, since it is scientifically un-provable, we consider this the ultimate cop out by the officials. There is no way to show where someone picked up an infection unless they lived in a bubble and you could control access to pathogens.

We know from Aliso Water Management Agency testing that the amounts of heavy metals and inorganic pollutants in the creek are totally negligible. We see very little harm in temporarily diverting some of this flow into the offshore canyon. Meanwhile, the long term solution by the Army Corp. is well under way and as the city of Arcata has shown, it is proven to be an excellent fix for the pollution as well as a new wetlands for the area.

Christian Smith has been working on this problem for 7 years. Bob Foes, B.S. Berkeley, and myself, B.S. Stanford, have been at it for 5 years. We think this a great band aid. Why not use it?

On July 26th, and 27th, my company, Victoria Skimboards will stage its 22nd Annual Skimboard Championships at Aliso Beach. We have 120 contestants, about 20 from outside the U.S. and I can't tell you how much I hate having to put contestants into the water when it is questionable. We have no other options. No other site even begins to meet out requirements for steep slopes, close shore break and public facilities. Maybe, by next year, I won't have to apologize.

Thank you for your time.

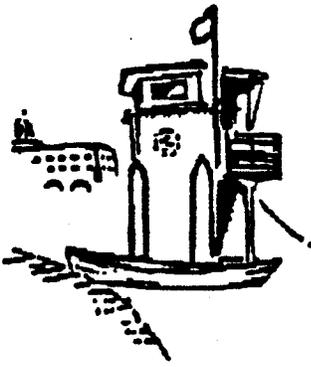


Tex Haines, Bob Foes, Christian Smith
Laguna Chapter, Surfrider Foundation

copy to Wayne Baglin, Laguna City Council

~~A-5-LGB-97-166 Addendum: Letter #3: p. 1 of 1~~

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LAGUNA BEACH TAXPAYERS ASSOCIATION, INC.
FOUNDED IN 1947 FOR EFFICIENT LOCAL GOVERNMENT
P.O. BOX 404 LAGUNA BEACH, CALIFORNIA 92652

Tel/Fax (714) 376 1979

July 3, 1997

CALIFORNIA COASTAL COMMISSION
South Coast Area
200 Oceangate 10th Floor
Long Beach, CA 90802

RECEIVED
JUL 7 1997

CALIFORNIA
COASTAL COMMISSION

Attn: Meg Vaughn

Reference: Temporary Sand Berm in Aliso Creek in Laguna Beach Orange County
Appeal No. A-5-97-166.

The Board of Directors and Advisory Board of the LAGUNA BEACH TAXPAYERS ASSOCIATION, INC. supports the City of Laguna Beach granting a permit to County of Orange for a temporary sand berm in Aliso Creek to collect and discharge low summertime flows 1.5 miles out in the ocean while the U. S Corp of Engineers studies a permanent solution to surface pollution runoff.

Existing Aliso Creek surface flow now concentrates the non-point surface pollution on the public beach exposing beach users to health hazards. We understand the proposal for the berm is only for periods of low flow and is thus temporary. It will, however, keep concentrated surface runoff pollution off the beach during low flow periods. Rather than concentrating the surface runoff at the public beach, the flow will be sent in an adjacent outfall and discharged 1.5 miles offshore in deep water.

We request the permit be approved and the outfall monitoring continue to identify any problems or health hazards while a permanent solution is developed.

LAGUNA BEACH TAXPAYERS ASSOCIATION

Gary Alstot, President

COASTAL COMMISSION
5-97-316

EXHIBIT # 6

PAGE 7 OF 9

cc: City of Laguna Beach Mayor and Council Members

Copy Faxed to 562 590 5084

~~A-5-LAB-97-166 Addendum: Letter # 5, p. 1 of 1~~

Frank P. Barbaro
31285 Camel Point Drive
South Laguna, CA 92677

RECEIVED
JUL 7 1997

July 2, 1997

CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION

5-97-316

EXHIBIT # 6
PAGE 8 OF 9

California Coastal Commission
South Coast Area
P.O. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Coastal Permit Number: A-5-LGB-97-166
Project Location: Aliso Creek, Laguna Beach
Hearing: July 9, 1997, Ventura

Dear Members of the Coastal Commission:

As a resident of Laguna Beach, whose home is immediately adjacent to Aliso Beach, which includes the outlet for Aliso Creek, I ask you to deny the appeal of the temporary sand berm project in Aliso Creek. As your hearing notice states, this berm is intended to assist in the collection of polluted creek water which will be directed into the Aliso Water Management Agency's outfall line.

At the present time, nuisance water flows down Aliso Creek from a watershed area of approximately thirty-six square miles, collecting water contaminated with bacteria all of the way. The creek ordinarily runs into the surf line just north of the Aliso pier, but periodically is trapped by normal wave and sand action to form a pond backing up under Coast Highway toward the Aliso Creek In. This polluted water, whether flowing across the beach or collecting in ponds on the beach, is not fit to swim or play in.

Young children find the water warm and appealing and typically play in it for several hours ignoring the posted contaminated water signs. Youth find Aliso Beach to be one of the premier skim-boarding beaches in Southern California. The creek pollutes the surf line for several hundred feet north and south of the outlet. My son, as well as many others, report health problems associated with using the Aliso Beach because of the polluted water flowing on the beach. It does not look or smell hazardous, but it is.

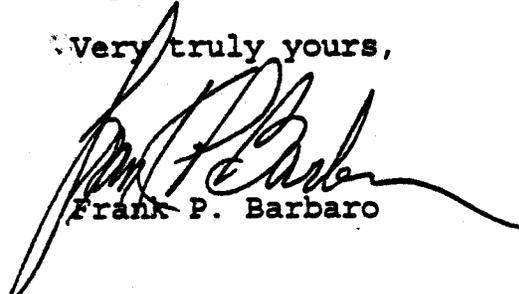
The proposal to divert the creek flow does not change the amount or character of the water flowing into the ocean. It does dilute the water with the treated sewage plant effluent and carries it out to sea about a mile and one half and one hundred and eight feet deep.

~~A-5-LGB-97-166 Addendum: Letter #6, p 1 of 2~~

#1

This project is only temporary while local government agencies continue their work with the Army Corps of Engineers to restore Aliso Creek to a clean flowing stream. That is the goal we all are supportive of. In the meantime, we need to protect the health and safety of all beach goers, especially the children. Please deny the appeal of the project and let it proceed.

Very truly yours,



Frank P. Barbaro

COASTAL COMMISSION

5-97-316

EXHIBIT # G
PAGE 9 OF 9

~~A-5-LGB-97-166 Addendum: Letter C, p. 2 of 2~~

~~40~~