

CALIFORNIA COASTAL COMMISSION

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Item No: Tu.18.b.

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Staff: John T. Auyong *John*
Staff Report: January 20, 1998
Hearing Date: February 3, 1998
Commission Action:

RECORD PACKET COPY**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NO.: 5-83-959-A4 (Amendment to A-61-76)

APPLICANT: Aliso Water Management Agency

PROJECT LOCATION: Aliso Water Management Agency outfall, in Aliso Creek 300 feet upstream of Coast Highway to 1.5 miles offshore, City of Laguna Beach, County of Orange

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 54-inch land and ocean outfall to discharge regional waste water effluent.

DESCRIPTION OF AMENDMENT: Temporary diversion of nuisance summertime flows of Aliso Creek (approximately 2 to 5 million gallons per day) into the outfall.

LOCAL APPROVALS RECEIVED: City of Laguna Beach coastal permit CDP97-19

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

STAFF NOTE: The proposed amendment is part of an overall temporary project to divert the summertime flows of Aliso Creek into the Aliso Water Management Agency outfall. The overall project consists of; 1) construction of a berm in Aliso Creek, 2) installation of a pipe and pump which would carry the water collected behind the berm to the outfall, and 3) discharge of the Aliso Creek flows 1.5 mile offshore through the outfall. The proposed amendment deals with the proposed discharge through the outfall only, since the original permit A-61-76 (i.e., 5-83-959) was for the subject outfall.

Coastal development permit application 5-97-316 deals with the construction of the berm in the creek bed which is the Commission's retained permit jurisdiction area. Appeal A-5-LGB-97-166 deals with the installation of the connecting pipe and pump located in the certified area of the City of Laguna Beach. Both Appeal A-5-LGB-97-166 and permit application 5-97-316 are scheduled concurrently with this permit amendment application.

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PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

The Executive Director has determined that the proposed amendment is a material change, since the approved project was intended for the discharge of treated sewage, not untreated storm runoff from a creek as proposed.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

STANDARD OF REVIEW. The portion of the subject outfall which is on land is within the certified area of the City of Laguna Beach. For this portion, the standard of review pursuant to Section 30604(b) of the Coastal Act is consistency with the certified local coastal program. The portion of the subject outfall offshore is within the Commission's original permit jurisdiction area. For this portion, the standard of review pursuant to Section 30519(b) of the Coastal Act is consistency with the Chapter 3 policies of the Coastal Act.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act. Staff is recommending approval of the proposed project with special conditions requiring; 1) removal of the proposed project by October 25, 1998, 2) changes to Special Condition No. 6 of permit A-61-76 to replace specific standards with the requirements of the current Regional Water Quality Control Board NPDES permit, 3) monitoring of water quality, and 4) that previously imposed conditions remain in effect.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby grants an amendment to permit no. 5-83-959, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity

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with the provisions of the certified local coastal program and with the provisions of Chapter 3 of the California Coastal Act of 1976 and the, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. 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 amendment is authorized only for the 1998 summer season from May 1, 1998 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 amendment does not authorize the diversion to continue past October 15, 1998.

2. **Change to Previously Imposed Special Condition No. 6.** Special Condition No. 6 of permit A-61-76 regarding "Water Quality" shall be replaced with the following:

The effluent discharged from the approved outfall 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, Discharge to the Pacific Ocean Through the Aliso Water Management Agency Ocean Outfall" issued by the California Regional Water Quality Control Board, San Diego Region.

3. **Monitoring.** The permittee shall submit to the Executive Director copies of the results of the monitoring data required by "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", including all addenda, issued by the California Regional Water Quality Control Board, San Diego Region ("RWQCB"). In addition, the permittee shall also submit, along with the monitoring data, 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. The written conclusions shall be prepared by the Orange County Health Care Agency. The permittee shall submit the monitoring data and written conclusions at the same time it submits the data to the RWQCB.

4. **Previously Imposed Conditions.** All previously imposed standard and special conditions of approval of Permit A-61-76, except for changes to Special Condition No. 6 as described above, and subsequent amendments remain in effect and are not changed by this permit amendment.

III. FINDINGS AND DECLARATIONS

A. *Project Description*

1. Project History

On May 5, 1976, the State California Coastal Zone Conversation Commission ("SCCZCC"), the Commission's predecessor, approved permit no. A-61-76, pursuant to Proposition 20. The permit was an appeal of a South Coast Regional Commission action. The approved project was the construction of a 54-inch land and ocean outfall to discharge regional waste water effluent.

The SCCZCC conditioned the project to; 1) reduce the pipe size to 48" in diameter, 2) limit the quantity of effluent discharged by the pipe to amounts specified by the State Water Resources Control Board, 3) fix flow allocations among the member agencies of the Aliso Water Management Agency ("AWMA"), 4) maintaining public access by correlating road construction with development served by the outfall, 5) compliance with selected Regional Commission conditions (e.g., archaeology, streambed alteration, erosion control, etc.), and 6) protect water quality by setting specific limits on ammonia-nitrogen and other pollutants.

The outfall's outlet has a diffuser to slow and diffuse the discharge from the outfall, minimizing the erosive force of the discharge. The outfall pipe is 1.5 miles long from shore to the nearshore end of the diffuser. At this point, the diffuser is 170 feet below Mean Lowest Low Water ("MLLW") level. The diffuser extends from this point another 1,200 feet seaward, at a depth of 195 feet MLLW. The outfall's capacity is 50 million gallons per day ("MGD"). The current monthly discharge typically does not exceed 20 MGD. Therefore, the outfall typically operates below capacity.

A primary concern with the outfall was its growth inducement potential. The project as proposed would have allowed a five-fold increase in population, raising issues with public access and air quality. Therefore, effluent flows were restricted as a means to limit growth. Subsequent to the permit's original approval in 1976, the Commission approved amendments to the permit to allow for increases in effluent flows to accommodate development that it determined would be adequately mitigated.

There is no permit 5-83-959. Rather, this number was created to allow for amendments to the original permit, since it was a Proposition 20 Appeal which does not follow the Commission's current numbering system.

2. Proposed Amendment

The proposed amendment is to allow the discharge of the summertime nuisance flows from Aliso Creek into the approved outfall. The proposed amendment is part of an overall project to temporarily divert Aliso Creek during the summer. The overall project involves construction of a

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berm in Aliso Creek and installation of a pipe and pump to divert the ponding water behind the berm to the AWMA outfall. The diversion rate would be between 3 and 7 cubic feet per second (2 to 5 million gallons per day). The proposed diversion would amount to between 2 to 5 MGD. Thus, the proposed diversion can be accommodated by the outfall. The proposed amendment deals with the discharge into the outfall only. Coastal development permit application 5-97-316 and appeal A-5-LGB-97-166 deal with the remainder of the overall proposed project.

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.

City of Laguna Beach LCP Policy 4-H states:

Oppose activities which degrade the quality of offshore waters.

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 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 "

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... 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 is 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 creek's mouth, so the water collects behind the berm. County beach staff has in the past attempted to fix the problem by breaching 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 of 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 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.

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(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. Based on the 1996 monitoring, in many instances 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., 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 translate 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 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.

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 the 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. Change to Special Condition No. 6

Condition No. 6 of permit A-61-76 contains standards for the effluent discharged from the outfall. Condition No. 6 requires in part that dissolved oxygen concentration shall not be less than 2 milligrams per liter ("mg/l"). Condition No. 6 also states that ammonia-nitrogen shall not be greater than 2 mg/l. The applicant's monitoring 1997 report indicates that dissolved oxygen in the effluent discharged from the outfall was between 3.2 and 3.5 mg/l, which meets Condition No. 6. The monitoring data indicates that ammonia-nitrogen concentrations in the effluent ranged from 7.0 to 11.0 mg/l, higher than allowed under Condition No. 6. Therefore, Condition No. 6 is being amended to replace the original standards with the standards in the current NPDES permit for the outfall.

5. Conclusion (Offshore Water Quality)

Thus, as conditioned for these requirements, the Commission finds that the proposed project would be consistent with Sections 30230 and 30231 of the Coastal Act and LCP Policy 4-H regarding marine resources and ocean water quality.

C. Growth Inducement/Air Quality

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

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New development shall:

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

Section 30254 of the Coastal Act states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

City of Laguna Beach LCP Policy 2-Q states:

New development shall be compatible or phased with the carrying capacity of the transportation network, public works systems and other municipal services.

City of Laguna Beach LCP Policy 14-A states:

Monitor activities of adjacent jurisdiction [sic] regarding population growth and identify their impacts on City services and environmental quality.

Original concerns with the approved outfall included whether the outfall would induce growth, and whether that growth would have adverse air quality impacts. The proposed amendment involves diversion of existing flows of Aliso Creek into the outfall. No increase in the outfall's capacity is proposed. Therefore, the proposed amendment would not induce growth nor result in development which would have adverse air quality impacts. Therefore, the Commission finds that the proposed amendment would be consistent with Sections 30253 and 30254 of the Coastal Act.

D. Public Access and Recreation

Section 30604(c) of the Coastal Act states:

Every coastal development permit issued for any development between the nearest public roadway and the sea or the shoreline of any body of water located within the

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coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200) [of the Coastal Act].

The proposed project would resolve temporarily the problem of ponding polluted water at Aliso Creek County Beach, a popular beach. This may encourage greater use of the beach. Therefore, the Commission finds that the proposed project is consistent with Section 30210 of the Coastal Act.

E. Local Coastal Program

Section 30604 of the Coastal Act states, in relevant part:

(b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

The City of Laguna Beach local coastal program was effectively certified on January 13, 1993. As required by Section 30604(b) of the Coastal Act, the Commission finds that the proposed amendment, as conditioned, is consistent with the certified local coastal program.

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 policies of Chapter Three of the Coastal Act and the certified local coastal program. Mitigation measures requiring: 1) duration of the project; 2) changing original Condition No. 6; 3) monitoring; and 4) that all previously imposed special conditions of approval remain in effect; 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.

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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; 4) City of Laguna Beach coastal development permit CDP97-19; 5) Coastal development permit A-61-76 (Aliso Water Management Agency); 6) coastal development permit application 5-97-316 (County of Orange).

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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 ^c	pH units	Within limits of 6.0 - 9.0 at all times.		
acute toxicity ^b	TUs	1.5	2.0	2.5

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

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

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Constituent/ Property	Units	6-Month Median	Daily Maximum	Instantaneous Maximum
chlorinated phenolics ^c	mg/l lb/day	0.3 70	1 200	2.6 590
endosulfan ^{c,1}	ug/l lb/day	2 0.5	4.7 1.1	7 1.6
endrin ^c	ug/l lb/day	0.5 0.1	1 0.2	2 0.5
HCH ^{c,2}	ug/l 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

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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,2}	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

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

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

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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 ^a	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 ^{a,5}	mg/l lb/day	34 7,700
heptachlor ^{a,7}	ng/l lb/day	190 0.043
hexachlorobenzene ^a	ng/l lb/day	55 0.012
hexachlorobutadiene ^a	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	850 150
PAHs ^{a,8}	ug/l lb/day	2.3 0.52
PCBs ^{a,9}	ng/l lb/day	5.0 0.0011
TCDD equivalents ^{a,10}	pg/l lb/day	1.0 0.00000023

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December 15, 1995

Constituent/ Property	Units	Monthly Average (30-day)
tetrachloroethylene ^a	mg/l lb/day	26 5,900
toxaphene ^a	ng/l lb/day	55 0.012
trichloroethylene ^a	mg/l lb/day	7.0 1600
2,4,6-trichlorophenol ^a	ug/l lb/day	76 17
vinyl chloride ^a	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
 TUs = toxic units acute
 TUs = toxic units chronic
 lb/day = pounds per day

- Effluent limitations were determined as described in Finding No. 31.
- 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.
- 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.
- The discharger may, at its option, meet this limitation as a total chromium limitation.
- 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

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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:

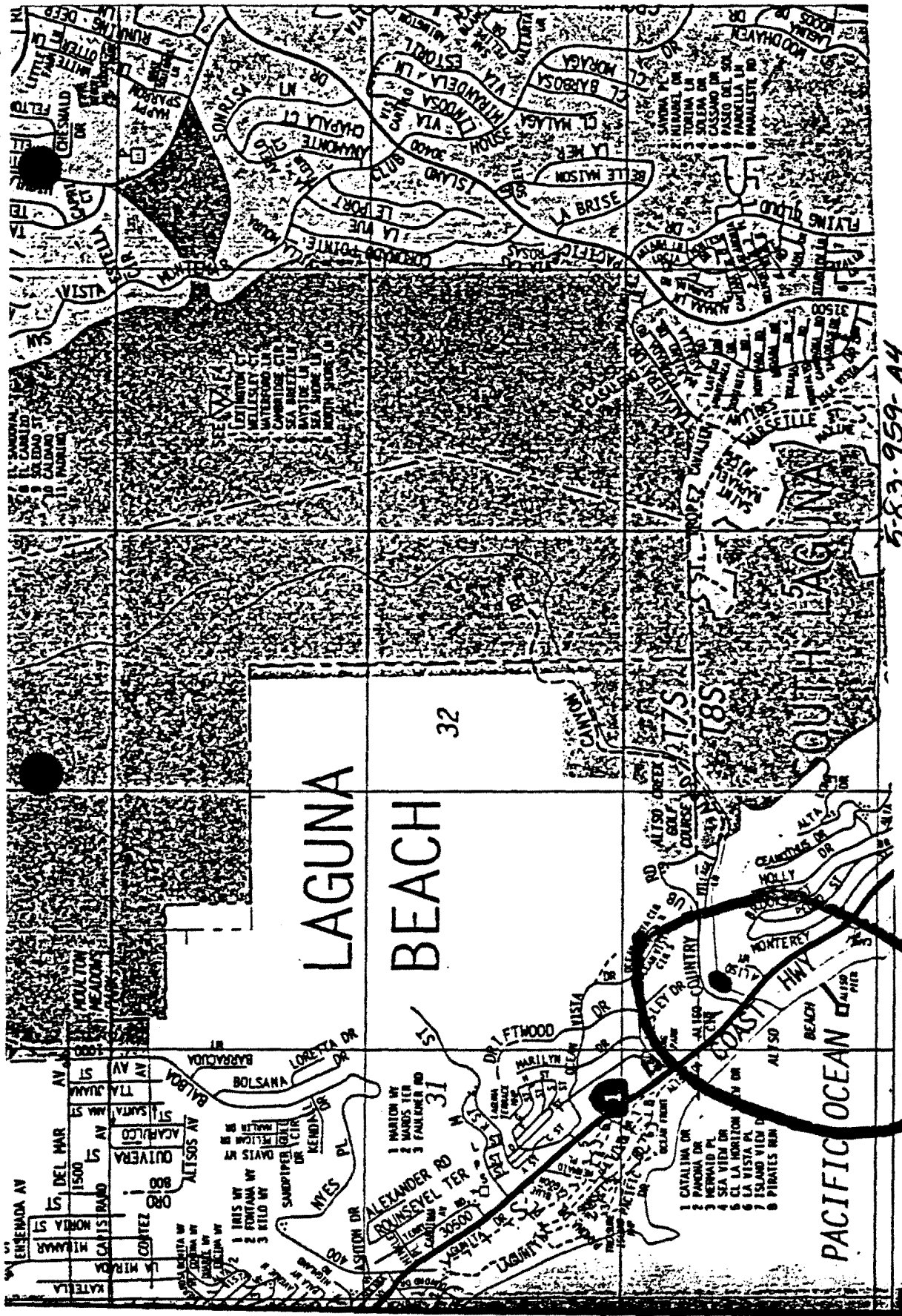
$$\log C_0 = -0.43 (\log x) + 1.8$$
$$C_e = C_0 + D_m (C_0 - C_s)$$

where:

- C_0 = 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.

ApX. B

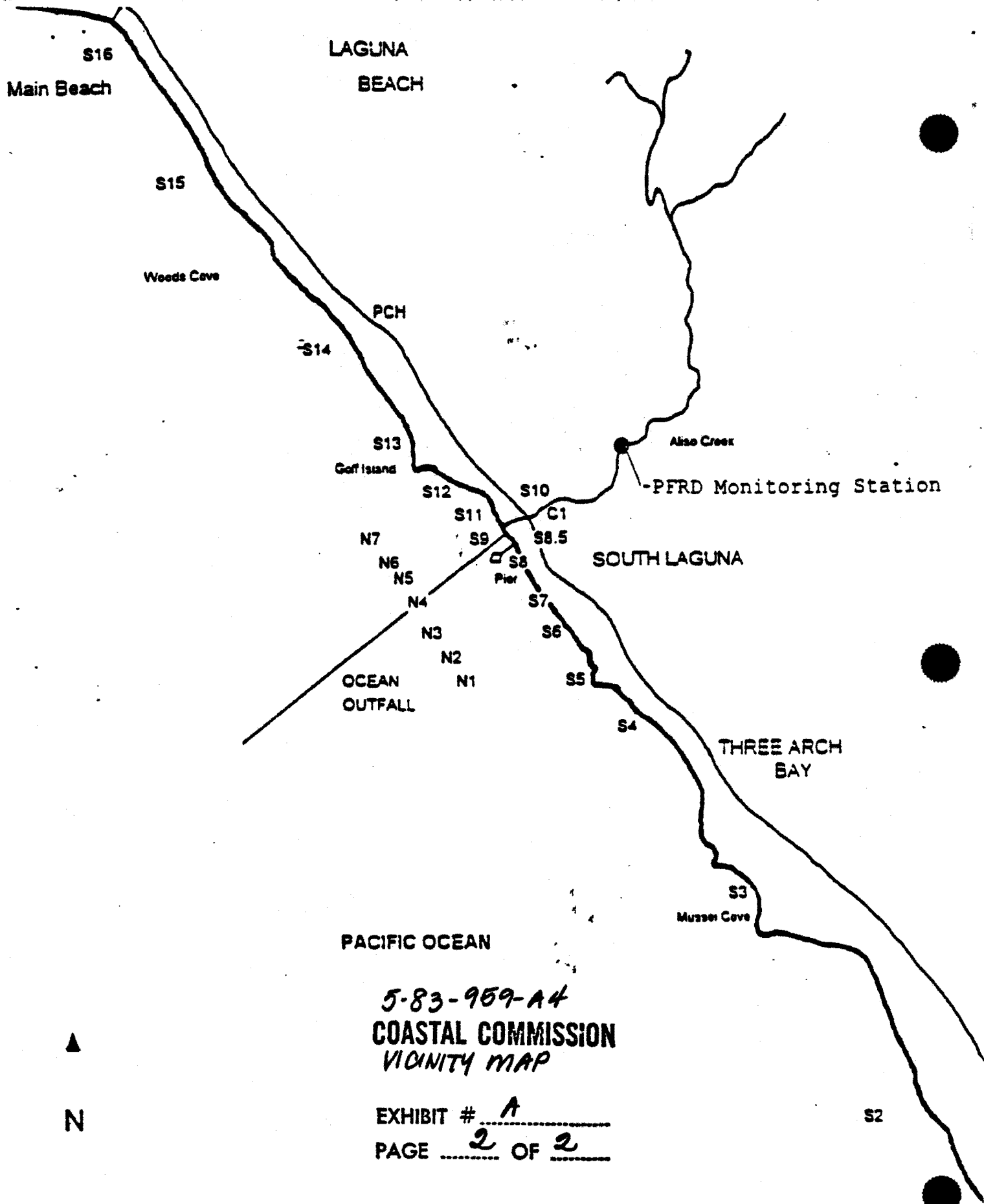


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 COASTAL COMMISSION
 VICINITY MAP

EXHIBIT # A
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berm site

5-83-959-A4



AWMA RECEIVING WATER
MONITORING STATIONS

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

1540 Market Street, San Francisco 94102 — (415) 557-1001

COASTAL COMMISSION

FINDINGS

583-959-A4

Findings for A-61-76

EXHIBIT # B

PAGE 1 OF 6

Appeal No. 61-76

(AWMA II)

60th Day: 5/15/76

DECISION OF

REGIONAL COMMISSION:

Permit granted with conditions by South Coast Regional Commission

PERMIT

APPLICANT:

Aliso Water Management Agency (AWMA)

DEVELOPMENT

LOCATION:

Aliso Creek, Canyon and Plain in South Laguna, County of Orange (Exhibit 1)

DEVELOPMENT

DESCRIPTION:

Construction of a 54-inch land and ocean outfall to discharge regional waste water effluent

APPELLANTS:

- A. Aliso Water Management Agency (AWMA)
- B. Friends of the Earth, Environmental Coalition of Orange County, Inc. South Laguna Civic Association

PUBLIC HEARING AND VOTE:

Public hearing held April 21, 1976, in South San Francisco; vote taken on May 5, 1976 in San Diego

STAFF RECOMMENDATION: The staff recommends that the Commission adopt the following resolution in conformance with the Commission's vote of April 5, 1976:

I. Approval with Conditions. The Commission hereby approves a permit for the proposed development subject to the conditions below, on grounds that, as conditioned, the proposed development will not have any substantial adverse environmental or ecological effects and will be consistent with the findings, declarations, and objectives of the California Coastal Zone Conservation Act of 1972.

II. Conditions. The permit is subject to the following conditions:

1. Outfall Size. The outfall pipe shall be no greater in size than 48 inches inside diameter.

2. Effluent Flow Limitations. Effluent flows through the outfall shall be limited as specified in the State Water Resources Control Board concept approval for Phase I of this regional system; provided, however, that any flows from the El Toro Water District and Los Alisos Water District permitted under the terms and conditions of the concept approval shall be transported to the ocean outfall by means of a treated effluent line from the existing Los Alisos and Rosemead treatment plants; and provided further, that the total land and ocean disposal of flows from Los Alisos and El Toro shall not exceed the currently available 6.0 MGD of land disposal until the provision of the concept approval dealing with air quality mitigation has been complied with.

~~Exhibit B - Permit 61-76~~

3. Capacity Allocation Among Member Agencies. The maximum proportion of the total capacity of the outfall that can be used by any of the member agencies of AAMA shall be limited to that shown on the following table:

<u>Agency</u>	<u>Total Capacity</u> (MGD dry weather average daily flow)*
Los Alisos Water District	1.71
El Toro Water District	5.71
Moulton-Niguel Water District	2.15
South Laguna Sanitary District	2.08
City of Laguna Beach and Emerald Bay Services District	4.94
Irvine Ranch Water District	1.25
	17.84

*Includes seasonal peaks

No transfer, sale, or lease of the capacity assigned to any member agency of AAMA shall be made from one member agency of AAMA to another member agency without the prior approval of the Commission, or its successor, and in the event of no such successor, such approval shall be obtained from the SWRCB or its successor. The contracts between the AAMA and its member agencies shall contain a provision prohibiting any transfer, sale, or lease in violation of the provisions herein.

4. Public Access to the Coast. To assure that development facilitated by this permit does not substantially interfere with public access to the coast, effluent flows from the Irvine Ranch Water District and the Moulton-Niguel Water District shall be additionally limited as provided herein. Effluent flows from the Moulton-Niguel Water District shall not exceed 1.75 MGD and effluent flows from the Irvine Ranch Water District shall not exceed 0 MGD until the Commission has determined the amount of road capacity required to maintain a reasonable level of public recreational access to the coast and has established a schedule for phasing the amount of development to take place within those Districts with transportation improvements to assure that level of public access. Permitted effluent flows shall be increased only in conformance with the schedule established. The Commission shall establish the schedule within 60 days of receipt of information provided by the applicant and determined by the Executive Director of the Commission to be adequate to make the determinations specified above unless the applicant requests an extension of the time period but in no event later than Dec. 1, 1976. In the event that the Commission fails to establish the schedule as specified, permitted effluent flows from the Districts may be increased to that provided in Condition No. 3. For the purposes of enforcing this condition, "Commission" shall mean the Commission or its successor. The applicant shall provide a flow monitoring system acceptable to the Executive Director of the Commission sufficient to provide the effluent flow data necessary to assure conformance to this condition.

5. Regional Commission Conditions. Conditions Nos. 5 through 17 imposed by the South Coast Regional Commission and shown in Exhibit 7 shall be complied with; provided however, that the archaeological survey may be limited to that area directly affected by construction of the project.

COASTAL COMMISSION

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Findings for
A-61-76

EXHIBIT # B

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6. Water Quality. The following effluent levels shall be maintained for ocean outfall discharge:

- (a) Dissolved oxygen concentration shall not be less than 2 mg/l.
- (b) Concentration of ammonia-nitrogen shall not be greater than 2 mg/l.
- (c) The removal of 5-day bio-chemical oxygen demand (BOD₅) shall not be less than 90% of the raw sewage BOD₅ concentration. Appropriate sensors shall be installed which shall be connected to recorders to provide a continuous record of the concentration of oxygen and ammonia in the effluent delivered to the ocean.

III. Findings and Declarations. The Commission finds and declares as follows:

1. Summary. This project, a land and ocean outfall, is only part of a larger project to provide a regional wastewater treatment system within the AWA service area shown in Exhibit 1. Although many of the inland facilities necessary to complete this system (i.e. treatment plants and interceptor lines) are within the coastal zone, and virtually all of the project will significantly affect the resources of the coastal zone, this portion of the overall project and the interceptor that is the subject of Appeal No. 146-75 are the only parts of the project that are likely to require permit applications because the rest will take place outside the permit area (most of it will still be within the coastal zone however).

The applicable Regional Water Quality Control Boards have instructed 3 of AWA's member agencies (Laguna Beach, South Laguna and El Toro) to upgrade their wastewater disposal systems because they are adversely affecting water quality. The U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have found that an ocean outfall will be needed to dispose of effluent that cannot be reclaimed; consequently a new ocean outfall is necessary to improve water quality in the coastal zone.

Thus, the issue presented by this appeal is not whether an ocean outfall should be constructed, but how should such a project be conditioned to avoid the other adverse environmental impacts to the water, land and air resources of the coastal zone resulting from the residential growth facilitated by an oversized outfall. To be consistent with the Coastal Act, the new outfall should not facilitate growth of a magnitude and nature that will adversely affect the environment of the coastal zone more than current discharges.

The outfall proposed by AWA will accommodate a population of about 455,000, more than 5 times the current population. The impacts of population growth of this magnitude have been evaluated by EPA in its Final EIS for the project and by the County of Orange in its "Southeast Orange County Circulation Study" (SEOCSS) and draft EIR. EPA and the ARS found that major population increases in southern Orange County were inconsistent with attaining air quality standards unless measures are implemented to reduce the impacts, because the inhabitants of southern Orange County travel 30% more than the county average. The County's analysis of SEOCSS (see excerpts in Exhibit 2) shows that population growth of this magnitude and nature is inconsistent both with the Coastal Plan and with the Southern California Association of Government's plans, and may be inconsistent with the Air Quality Maintenance Plan now being developed by the ARS. Population growth of this magnitude will also engender other impacts on the resources of the coastal zone. Traffic generated by new development will impede access to the coast, wildlife habitat will be reduced, agricultural lands will be converted to urban use, and wastewater will be discharged into coastal waters.

4. Effluent Flow Limitations. The adverse environmental impacts of increases in population growth must be mitigated, even if limited to an ultimate population of about 180,000. Limitations already established by EPA, the SWCS, and the APB require mitigation measures to be developed by the applicant. However, the method of transporting flows to the outfall is also of critical importance.

South Laguna, Laguna Beach, and Emerald Bay will all have direct access to the ocean outfall through the existing South Laguna treatment plant and its Phase I expansion. Moulton-Niguel has partial access to the outfall through the capacity it leases in the South Laguna plant. Additional access for Moulton-Niguel and access for El Toro and Los Alisos can be provided either by retaining the existing treatment plants and transporting effluent to the outfall in an effluent line (see Exhibit 5), or by abandoning the existing treatment plants and transporting wastes in raw sewage interceptors to a joint treatment plant where flows can be treated and then piped directly to the ocean outfall. Raw sewage interceptors encourage development of the land they traverse, and the raw sewage interceptor for the joint treatment plant option would traverse much of the Aliso Creek Valley. Thus, this option would encourage development in an important scenic valley and recreational resource. Retaining the existing treatment plants and providing outfall access with a treated effluent line would not encourage development in Aliso Creek Valley and would also tend to encourage reclamation within the valley.

5. Conservation of Energy. Inhabitants of the AAMA service area tend to drive considerably further than the county as a whole. Energy consumption will be increased if residential growth takes place in southern Orange County instead of being concentrated in the northern portions of Orange County where employment centers are located. For example, assuming that the average automobile gets 12 miles per gallon and assuming that the AAMA resident will continue to drive 30% further than the county average, provision of facilities for an ultimate population of 205,000 will result in 3.63 million miles per day of additional traffic and 90,720 additional gallons of gasoline being consumed each day because of locating development in this portion of Orange County. If a 54 inch outfall serving 455,000 persons is constructed, 11.25 million additional miles of traffic will be generated each day and 281,400 additional gallons of gasoline will be consumed each day.

6. Access to the Coastal Zone. Within AAMA, access to the coastal zone is provided by Laguna Canyon Road and the Crown Valley Parkway, both of which are currently experiencing some congestion. Current (1974) annual average daily traffic (AADT) is 10,000 to 13,000 on Crown Valley Parkway and 23,000 on Laguna Canyon Road. The Southeast Orange County Circulation Study (SECCS) shows heavy increases in traffic generated by urbanization in the AAMA area. About 99,000 trips will be generated along the Crown Valley Corridor and about 30,000 trips along Laguna Canyon Road—assuming that San Joaquin Hills Road is built as a major traffic corridor with a capacity of over 150,000 trips per day. Since a six-lane arterial can handle at most 50,000 AADT, another major arterial paralleling the Crown Valley Parkway and the San Joaquin Hills Road at freeway service levels will be needed just to maintain access under the four SECCS land use alternatives and the population level that is implicit in the applicant's proposal. However, road construction for the SECCS area will require construction of about 30 to 90 miles of additional major transportation facilities as well as those major facilities proposed in previous plans but not yet constructed. Highway construction is very expensive, about 1 million dollars per mile, so highway construction will cost at least \$80 million and may cost significantly more. According to staff contacts with the County of Orange and the California Department of Transportation, it is highly unlikely that the State, the Federal Government, or the County will be able to afford to construct the necessary road network.

5-83-959-A4 Exhibit B p. 576

The cumulative impacts of development in southern Orange County indicate that development in the northern part of the County, closer to job centers and utilities would be preferable from an environmental perspective. However, the existing water quality problems of the AWMA area must be solved. Consequently, conditions have been developed to make construction of the outfall consistent with the Coastal Act. These conditions relate to the size of the outfall, allocation of outfall capacity among member agencies, method of transporting wastes to the outfall access to the coastal zone, and water quality/reclamation.

2. Size of Outfall. The AWMA project will facilitate population growth in the service area, with the adverse effects noted above. A portion of the cost of constructing, and particularly oversizing, the facilities will ultimately fall on undeveloped land, encouraging the conversion of this land to urban uses. The amount of population growth will be influenced by the size of the ocean outfall, and as noted above, the currently proposed outfall size conflicts with the Coastal Plan, SCAG's plans, and possibly the Air Quality Maintenance Plan. In the previous permit decision for this project, the Commission determined that the Department of Finance Series E-O population projections to the year 2000 were a level of population consistent with the Coastal Plan and reaffirms that determination here. The E-O population for AWMA is 174,000 (Exhibit 3), and using the SWQCB's flow rates, this population projection results in a capacity of 11.24 MGD average daily flow, not including summer population peaks (Exhibit 4). According to the SWQCB, 3.5 MGD is a proper summer peak flow allotment, giving a total flow of 17.54 MGD average daily flow. The SWQCB has also noted that 1.7 is an appropriate peaking factor. Thus, an average flow of 17.54 MGD would result in a peak flow of 30.33. According to EPA, a 42" outfall pipe will accommodate a peak flow of 30.7 MGD; consequently, a 42" outfall is large enough for the year 2000 E-O flow. However, in accordance with the recommendations of the State Water Resources Control Board and the Regional Water Quality Control Board, San Diego Region, a reasonable amount of reserve capacity should be included in the outfall for use after the year 2000 to avoid the adverse impacts of construction of a new outfall in the coastal zone. It is understood that reserve capacity is to be retained in reserve.

3. Capacity Allocation Among Member Agencies. The maximum proportion of the total capacity of the outfall that can be used by any of the member agencies of AWMA shall be limited to that shown on the following table:

<u>AGENCY</u>	<u>TOTAL CAPACITY</u>
	(1980 dry weather average daily flow)
Los Alisos Water District	1.71
El Toro Water District	5.71
Moulton-Niguel Water District	3.15
South Laguna Sanitary District	2.69
City of Laguna Beach and Fairview	
Services District	2.00
Irvine Ranch Water District	1.55
	<hr/> 17.54

*Included seasonal peak

This allotment was derived from the original water quality plan. Originally the SWQCB allocated a 1.50 MGD seasonal peak to the City of Laguna Beach and a 0.41 MGD seasonal peak to the Irvine Ranch Water District. There was no allocation to Irvine Ranch Water District. Recent evidence indicates that Laguna Beach's summer flow peak has been remaining constant or decreasing slightly, so 1.50 MGD of the seasonal peak was allocated to the Irvine Ranch Water District.

5-83-959-44 EX. B p. 476

Without the road network, development will probably be deterred, but access to the coastal zone will definitely be deterred unless a portion of the capacity each coastal access road is reserved for recreational users and developments are not given final approval until adequate access for both residential and recreational use is provided. Coastal access could thus be protected by "budgeting" the rated capacities of coastal access roads and phasing development approvals in conformance with excess capacity currently available. No detailed analysis of the amount of development that can be accommodated without impairing access has been made. Instead, an interim limitation of 1.75 MGD has been selected for the Moulton-Niguel Water District, because development in this district most directly affects coastal access on both Laguna Canyon Road and Crown Valley Parkway. This interim limitation may be modified when a detailed "budgeting" proposal is developed as provided in Condition 4.

7. Water Quality and Reclamation. "Southern California is a water-short area and reclamation of wastewater has significant environmental benefits. Further, the discharge of even secondary effluent into the marine environment has the potential to adversely affect marine life, giving an even greater urgency to reclamation of wastewater on the land. Provision of ocean outfall service can reduce the impetus for reclamation by reducing available capital. In the previous permit for this discharger, the Commission adopted conditions limiting the level of dissolved oxygen, ammonia-nitrogen, and BOD in the discharge. The Commission's position has been that the treatment required to achieve the ammonia-nitrogen levels has significant additional benefits in improving the quality of the effluent and turning out an effluent which is ready to be recycled in the environment in a beneficial manner.

Investigations by the staff (see Exhibit C) have confirmed that ammonia-nitrogen may be of concern in the environment. The applicant has not yet met the burden of proof that a discharge of the magnitude proposed will be consistent with the protection of the marine environment required by the Coastal Act. Consequently, every effort should be made to reclaim effluent, particularly during critical summer months when ammonia is of particular concern in the marine environment and the effluent limitation contained in Condition 6 is necessary to ensure that the standards of the Coastal Act are met.

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COASTAL COMMISSION
Findings for A-61-76

EXHIBIT # B
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continuous record of the concentration of oxygen and ammonia in the effluent delivered to the ocean which records shall be made available on a monthly basis to this Commission and the California Regional Water Quality Control Board - San Diego Region. This monthly report shall also include daily wastewater flow data.

5. Construction in the bed of Aliso Creek shall proceed in the time frame which will not significantly impact spawning conditions of the Lagoon Goby.
6. The Aliso Water Management Agency shall comply with all conditions established by the State Department of Fish and Game with respect to its Stream Bed Alteration Clause.
7. The Aliso Water Management Agency shall conduct an archaeological survey of the area, to include sub-surface testing and test pit excavation as needed, prior to advertising for bids on respective portions of the project, to include the ocean portion, Aliso Creek outfall. Mitigation shall be provided if need is disclosed by the above procedures. The archaeologist, survey procedures, and mitigation shall be satisfactory to this Commission or its successor.
8. An archaeologist satisfactory to this Commission or its successor shall be present at the immediate site of all grading including construction access roads, and staging areas, within and without the acquired right-of-way. The archaeologist's decision as to mitigation level required to protect archaeological resources from construction, shall be final pursuant to State Historical Office and National Register of Historic Places guidelines.
9. The land traversed by the facilities between the proposed ~~AWMA~~ Aliso Creek Regional Water Pollution Control Plant and the low tide line shall be restored to substantially its present condition by the applicant after construction.

5-83-959-A4 Exhibit C Regional Commission Conditions
p. 1 of 3

10. Vegetation, including trees, shrubs, and grasses, in the area considered in Condition #9 that is removed or destroyed or otherwise substantially damaged during the construction of the facilities shall be replanted by the applicant.

11. The applicant shall design and construct the facilities in such a manner as not to significantly increase the rate of erosion of the area considered in Condition #9 or to create or increase flood control problems in Aliso Creek and its flood plain.

12. The applicant shall design and construct the facilities in a manner so as not to expose the facilities to damage from the waters of Aliso Creek.

13. At least 60 days prior to calling for bids for construction of the facilities and restoration of the area after construction, the applicant shall submit its detailed plans to this Commission. This Commission shall, within 60 days from receipt of the plans, determine whether they are adequate to fulfill Conditions #9, 10, 11, and 12. If this Commission has not acted within 60 days after submission of the plans, the applicant will be free to proceed with construction.

14. The applicant shall accomplish the environmental mitigation measures specified on pages 35 and 36 of the Aliso Water Management Agency Environmental Impact Report (Draft) dated September 1972 prior to, during, or immediately following completion of construction of the facilities. All such requirements, including those listed in Conditions #'s 5, 6, 7, and 8, shall be accomplished prior to the issuance of a Certificate of Completion for the construction of the facilities.

15. The applicant shall require that the contractor awarded the contract for the construction of the facilities shall provide a faithful performance bond in the amount of 100 per cent of the estimated amount of the contract price.

5-83-959-A4 Exhibit C p. 2 of 3.

16. If the applicant does not diligently commence construction of the facilities within 2 years of the approval date by this Commission, this permit shall automatically expire.

17. This permit does not commit this Commission to approving any other developments or to planning decisions based on population figures referred to herein.

5-83-959-A4

COASTAL COMMISSION

Regional Commission Conditions

EXHIBIT # C

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5-83-959-A4

TO: State Commissioners

EXHIBIT # D

FROM: Joseph E. Bodevitz, Executive Director

PAGE 1 OF 2SUBJECT: Toxicity of Ammonia and Suspended Solids in the Marine Environment;
Appeal No. 61-76

At the Commission's request, the staff has investigated the toxicity of ammonia and suspended solids in wastewater discharges and can report the following:

I. Toxicity of Ammonia

- A. Ammonia is toxic to marine life; the toxic effects are related to the un-ionized portion of ammonia. In fresh water, according to Willington, 0.025 mg/l un-ionized ammonia is toxic to fish.
- B. The level of un-ionized ammonia varies with temperature and pH. This variation appears to account for the vast range of reported ammonia toxicity levels (from 0.2 mg/l to 20 mg/l total NH_3). Salinity also affects toxicity, increasing the toxic concentration of ammonia by approximately a factor of two. Thus an ambient level of 0.05 mg/l undisassociated ammonia would be toxic in the marine environment. At a pH of 7.5 and 15 degrees Centigrade (about 60 degrees F), a level of 0.05 mg/l undisassociated ammonia corresponds to a level of about 4.8 mg/l total NH_3 . However, at 20 degrees C and pH of 8.0, this would correspond to a level of about 1.5 mg/l total ammonia.
- C. Others have reported lower levels of toxicity. Cadet Hard of the Bodega Laboratory indicated that normal levels of ammonia (presumably total ammonia) are 0.01 to 0.02 mg/l and has noted high numbers of fatalities in crab larva when ammonia levels reach 0.1 mg/l. Although this is not bioassay data, it does indicate that larval forms are particularly sensitive. According to Thomas Hansen of U.C. Santa Cruz, the only specific marine bioassay work, "Toxicity of Power Plant Chemicals to Aquatic Life" by C.D. Becker and T. O. Thatcher, reported a 96 hour TL_{50} of between 1 and 10 ppm of total ammonia.
- D. There does not appear to be any avoidance phenomenon associated with ammonia except at very high levels. Doudoroff and Katz (1950) reported the possibility of attraction and Fava and Tsai (1972) reported the absence of any avoidance. This could be very important in the mixing zones near outfalls where a ready supply of food associated directly with discharge attracts biota, and where effluent dilution is considerably less than 100:1.

II. Toxicity of Suspended Solids

- A. There is even less material on suspended solids than on ammonia. Rudy Stohler of U.C. Berkeley confirmed that suspended solids have adverse effects on larval forms of marine life, but had no information associating specific levels of suspended solids with adverse effects.

III. Ambient Levels of Ammonia and Suspended Solids

- A. Background concentrations of ammonia were fairly uniformly reported at 0.001 to 0.01 mg/l total ammonia.
- B. The highest ambient levels of ammonia reported in marine waters were 1 to 2 mg/l within a mile of the Los Angeles County Sanitation Districts' outfall. According to Dr. Irwin Haydock of the Sanitation Districts, ammonia levels in the effluent at this time were at least 70 mg/l. Current ammonia levels are about 40 mg/l, and ambient levels at monitoring stations are always less than 0.6 mg/l and usually range from 0.02 to 0.1 mg/l. Naturally, ammonia levels directly in the outfall boil would be higher than these levels.
- C. The ambient level of suspended solids at the monitoring stations near Los Angeles County Sanitation Districts' outfall is generally between 5 and 10 mg/l with a maximum recorded level of 17 mg/l.

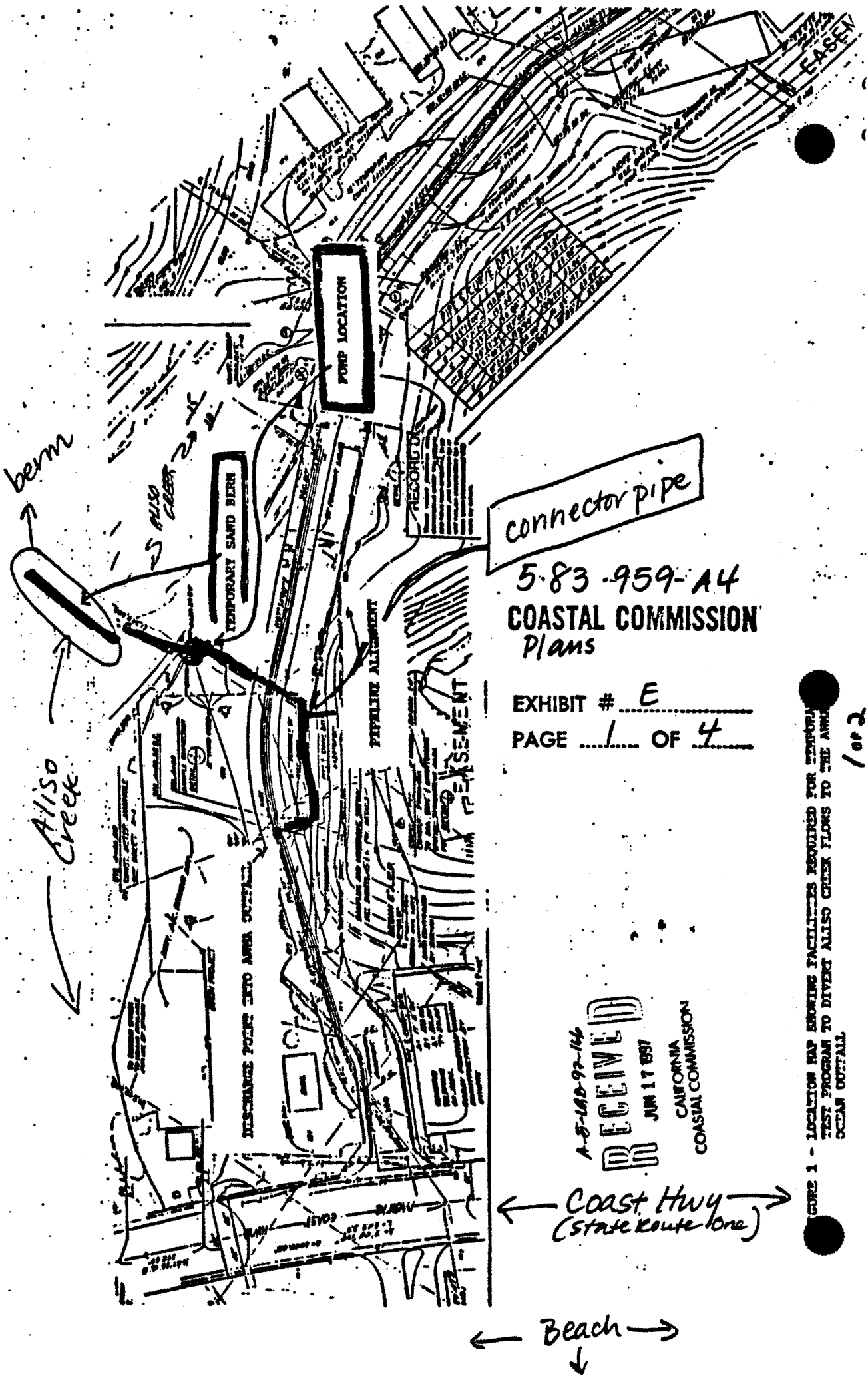
IV. Conclusion

The information on ammonia toxicity is too contradictory to draw certain and quantitative conclusions. It is clear that the Los Angeles County Sanitation Districts' discharge contains large quantities of ammonia; orders of magnitude greater than the ANMA discharge. It is possible to model the fate of ammonia in the marine environment under "red tide" conditions to determine probable levels of ammonia resulting from discharge. The Los Angeles County Sanitation Districts seem to have enough data to develop and verify a model of this sort. Since the Districts are currently circulating a draft EIS/DIR for comment, this information may be forthcoming. If appropriate, the model and its result could be applied to the other major dischargers in the Southern California Bight.

The Commission recognizes that there is no certainty as to the adverse effects of ammonia in receiving ocean waters, and some members of the Commission do not agree with parts of the technical discussion above.

5-83-959-A4
COASTAL COMMISSION
Discussion on Ammonia-Nitrogen

EXHIBIT # D
PAGE 2 OF 2



5.83-959-A4
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EXHIBIT # E
PAGE 1 OF 4

1-5-140-97-146
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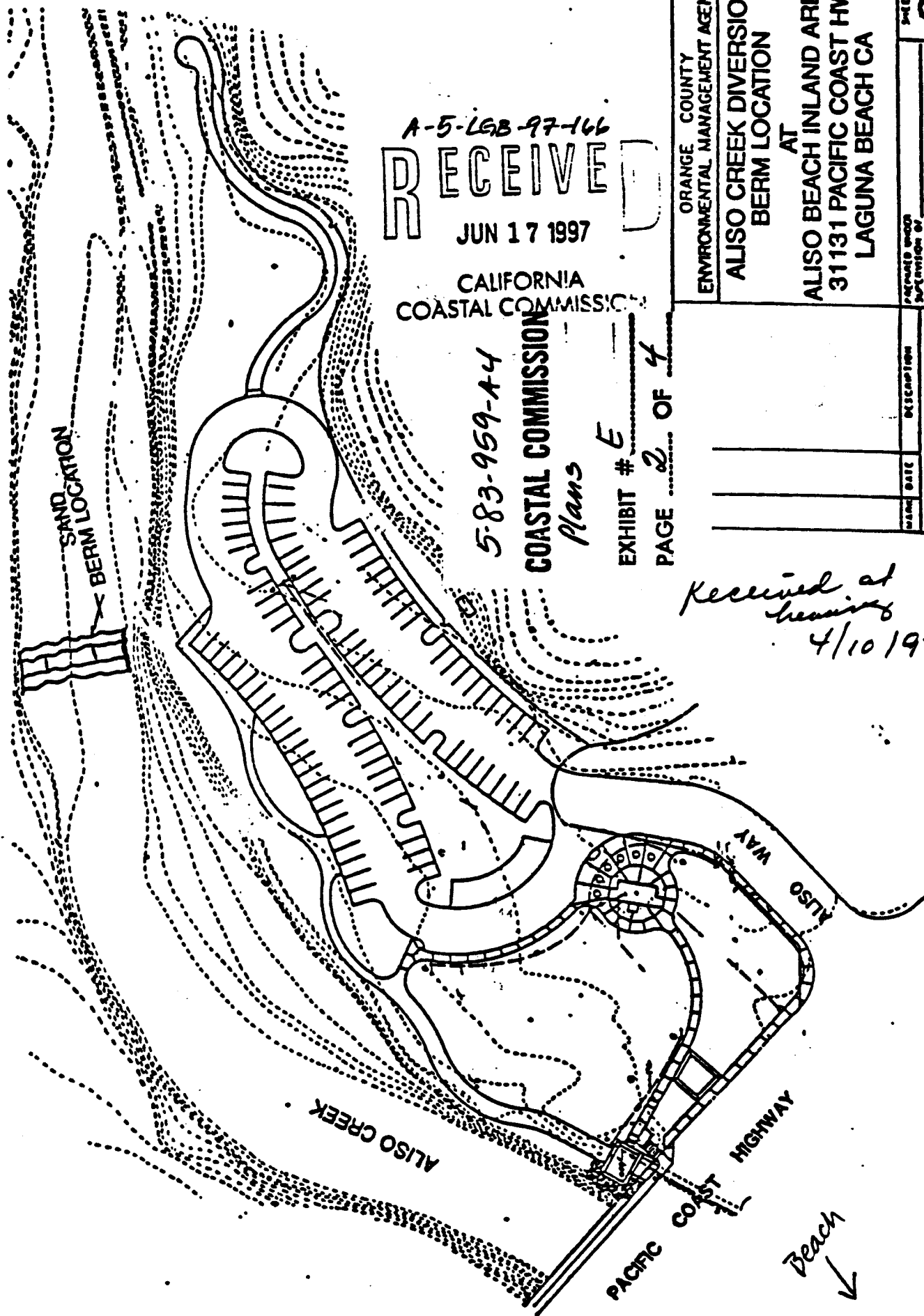
← Coast Hwy (State Route One) →

← Beach →
↓

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

1002

ALISO CREEK BEACH INLAND AREA



A-5-LGB-97-166
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Plans

EXHIBIT # E

PAGE 2 OF 4

*Received at
 hearing
 4/10/97*

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY	ALISO CREEK DIVERSION BERM LOCATION	AT ALISO BEACH INLAND AREA 31131 PACIFIC COAST HWY LAGUNA BEACH CA	SHEET 1
NAME	DATE	DESCRIPTION	RECEIVED AND SUBMISSION OF

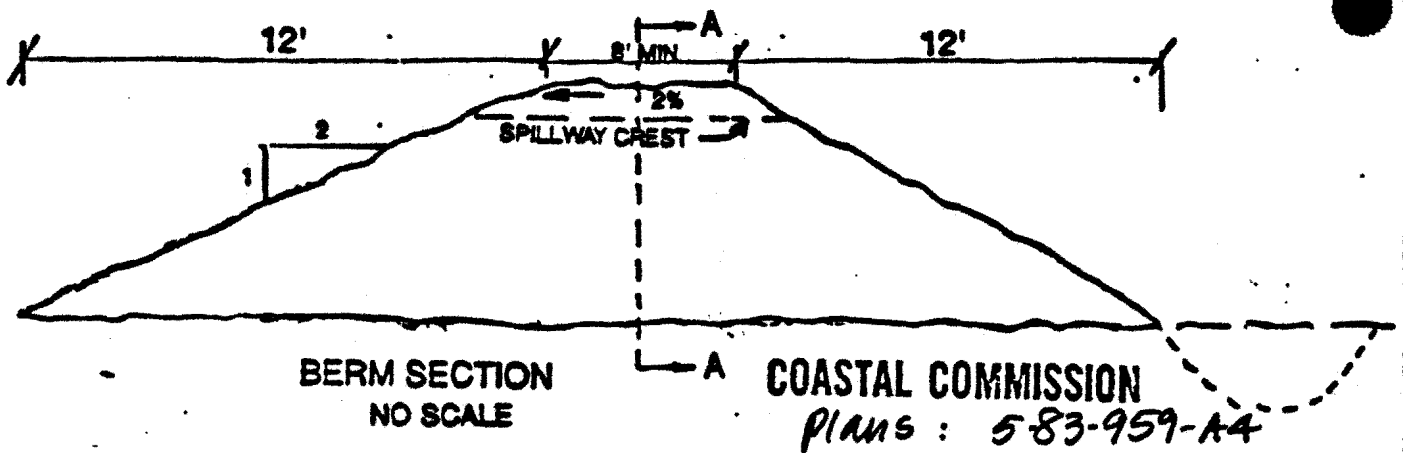
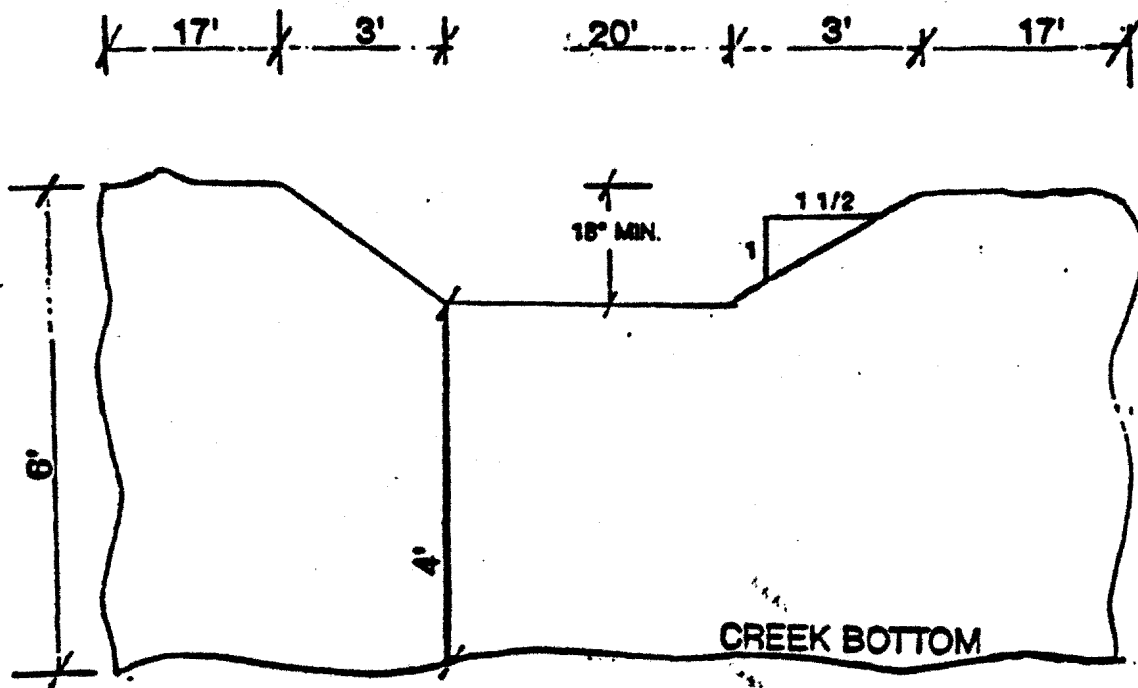


EXHIBIT # E
PAGE 3 OF 4



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ORANGE COUNTY
ENVIRONMENTAL MANAGEMENT AGENCY

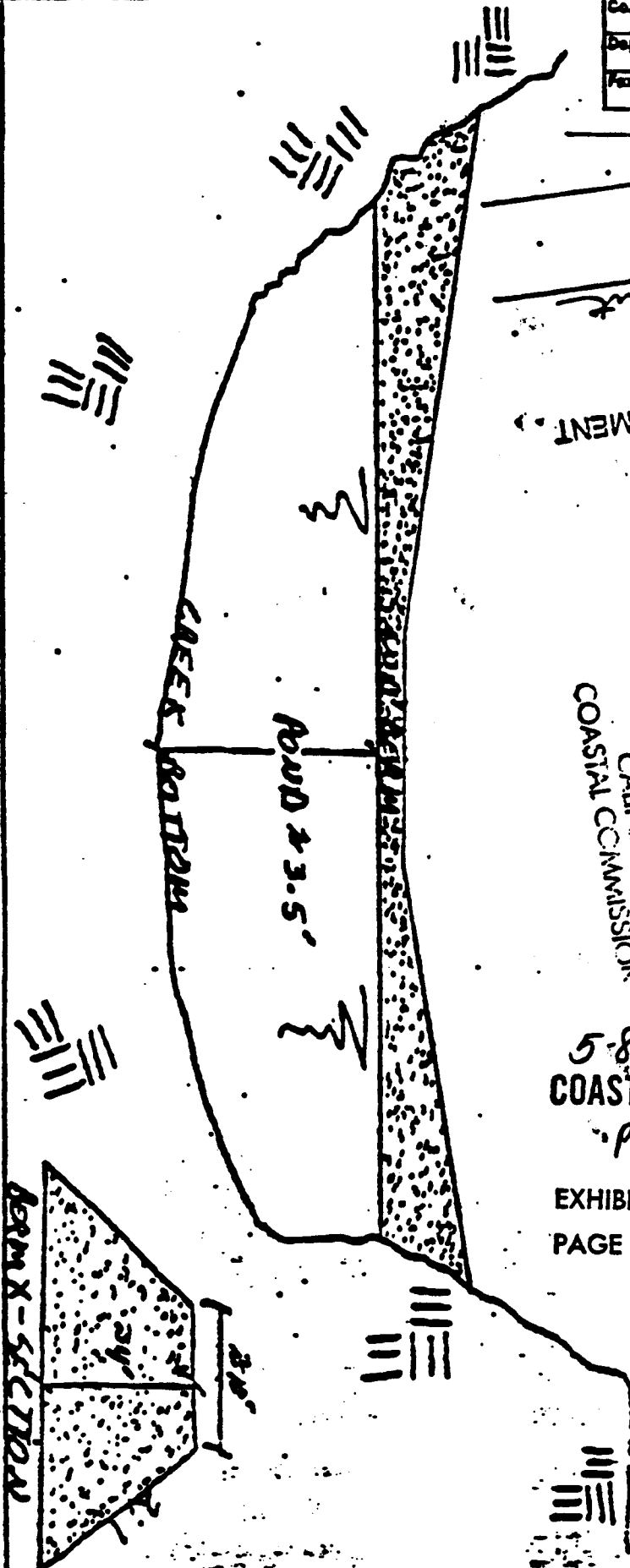
ALISO CREEK DIVERSION BERM
CROSS SECTION

AT
ALISO CREEK BEACH
31131 PACIFIC COAST HWY
LAGUNA BEACH CA

FIGURE 3

To	KATHY LOTES	From	MIKE WELLS
Co	CITY OF LAGUNA	Co	OC & WA
Dept	PLANNING	Phone	834-248
Fax	497-0771	Fax	834-465

STREET MAP
CITY OF LAGUNA
10-7-85



DATE 4/10/97
SIGNATURE J. Hunt
BOARD OF ADJUSTMENT
DENIED

4-5-68-97-166
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plans

EXHIBIT # E
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ALLISO CREEK DIVERSION PROJECT
BERM CROSS SECTION



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

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NOV 24 1997
5-97-316

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

5-83-959-A4 R.W.Q.C.B. Approval

EXHIBIT # F
PAGE 1 OF 5

ADDENDUM 3



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

5-83-959-A4
COASTAL COMMISSION
R.W.Q.C.B. Approval

ADDENDUM NO. 1
TO
ORDER NO. 95-107

EXHIBIT # F

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.

5-83-959-A4
COASTAL COMMISSION
R.W.Q.C.B. Approval

EXHIBIT # F
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.

5-83-959-A4
COASTAL COMMISSION
R.W.Q.C.B. Approval

EXHIBIT # F
PAGE 4 OF 5


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 ¹
Suspended Solids	mg/l	24-hr composite	daily ¹
pH	units	grab	daily ¹
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

5-83-959-A4
COASTAL COMMISSION
R.W.Q.C.B. Approval

EXHIBIT # F
PAGE 5 OF 5

1997 Monitoring ReportCALIFORNIA
COASTAL COMMISSIONGeneral

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.

COASTAL COMMISSION
5-83-959-A4

EXHIBIT # G

PAGE 2 OF 13

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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EXHIBIT # 6

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Report For: Oct

Report Due: 11-30-97

[illegible]

MINIMUM	6.78	1	2.4	7.4	0.1	27
MAXIMUM	11.33	7	9.2	7.7	0.1	29
AVERAGE	9.41	5	5.3	7.5	0.1	28
TOTAL	188.13					

EXHIBIT # G
PAGE 4 OF 13

ORDER NO. 90-50 (NPDES NO.0107611)

Joint Regional Plant
Final Effluent

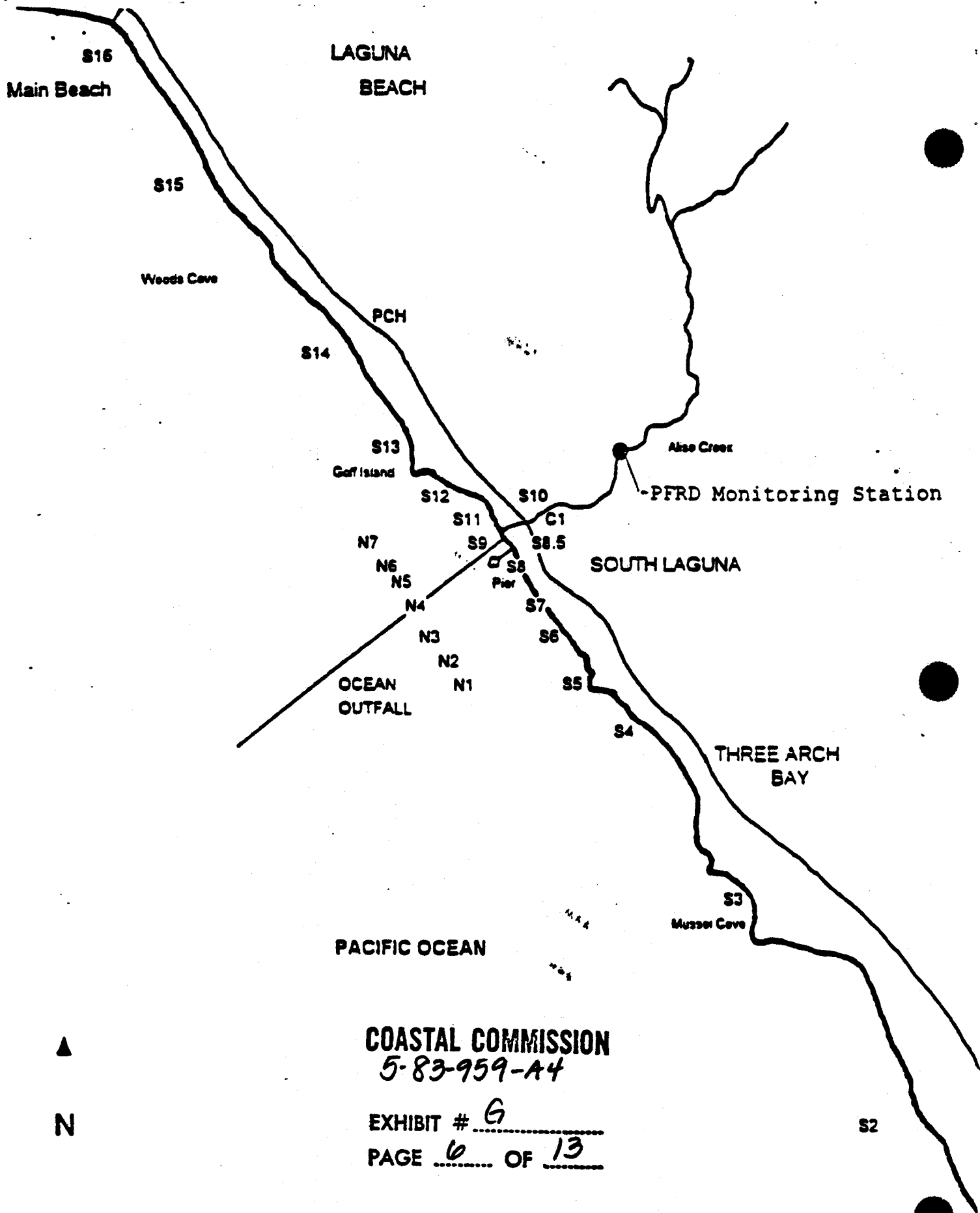
REPORT DUE: 11-30-97

[illegible]

Minimum	2.5	7.0	3.2	2.1
Maximum	2.6	11.0	3.5	2.2
Average	2.6	9.1	3.3	2.2

COASTAL COMMISSION
5-83-959-A4

EXHIBIT # 6
PAGE 5 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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Exhibit G
p. 7 of 13

AWMA's NPDES discharge permit requires nearshore samples be collected monthly at the N stations shown on the preceeding 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	09:20	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

5-83-959-A4

EXHIBIT # 9

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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 14 through 20, 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 north of S9.
Rain on 09/14-15/97.

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	09/16/97	<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 S	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

5-83959-A4

EXHIBIT # 6

PAGE 9 OF 13

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 surf zone

EXACT SAMPLE POINTS: As specified in permit

SAMPLES COLLECTED BY: SERRA Lab

SAMPLES ANALYZED BY: SERRA Lab

TYPE OF SAMPLE: Grab

COASTAL COMMISSION

5-83-959-A4

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

EXHIBIT # 9

PAGE 10 OF 13

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	
S-8	09/17/97	<10	10	<10	09/24/97	10	<10	<10
S-9	09/17/97	<10	<10	<10	09/24/97	200	20	40
S-10	09/17/97	<10	<10	30	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 1,000 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	40
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	10	<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	400

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 samples 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
5-83-959-A4

EXHIBIT # G
PAGE 11 OF 13

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				
S-17	09/29/97	20	10	10				
C-1	09/29/97	1,800	980	280	09/30/97	>2000	510	240

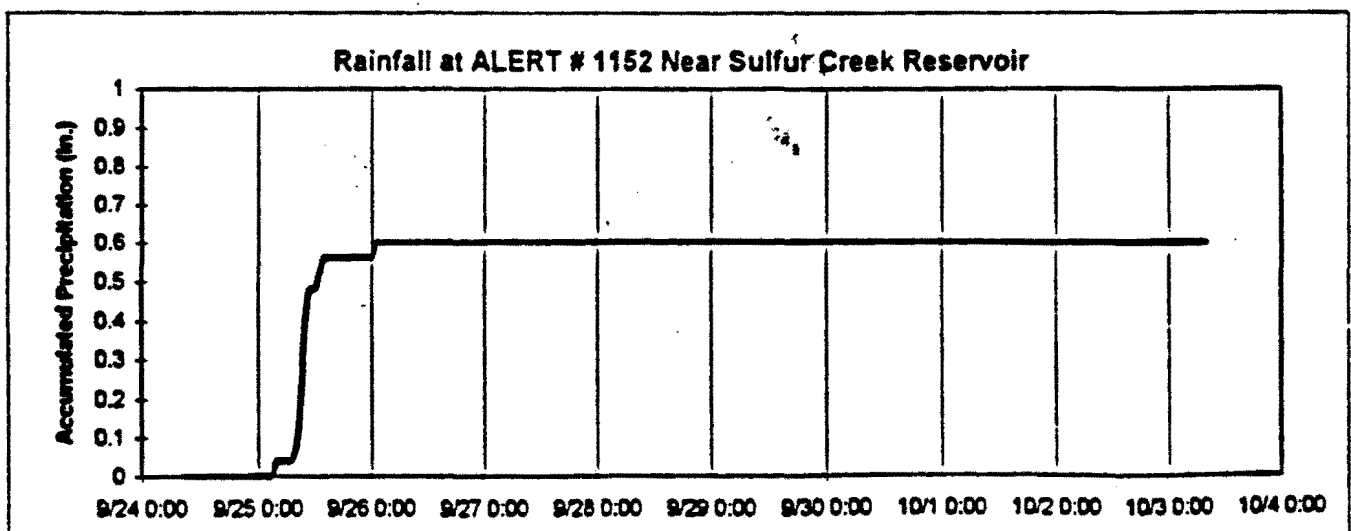
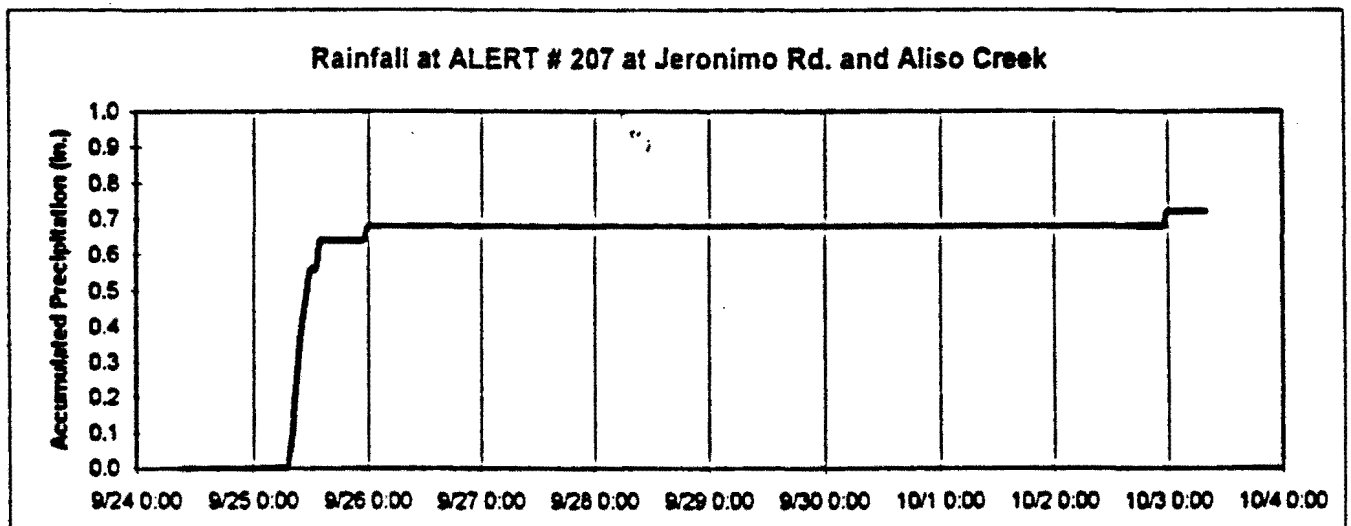
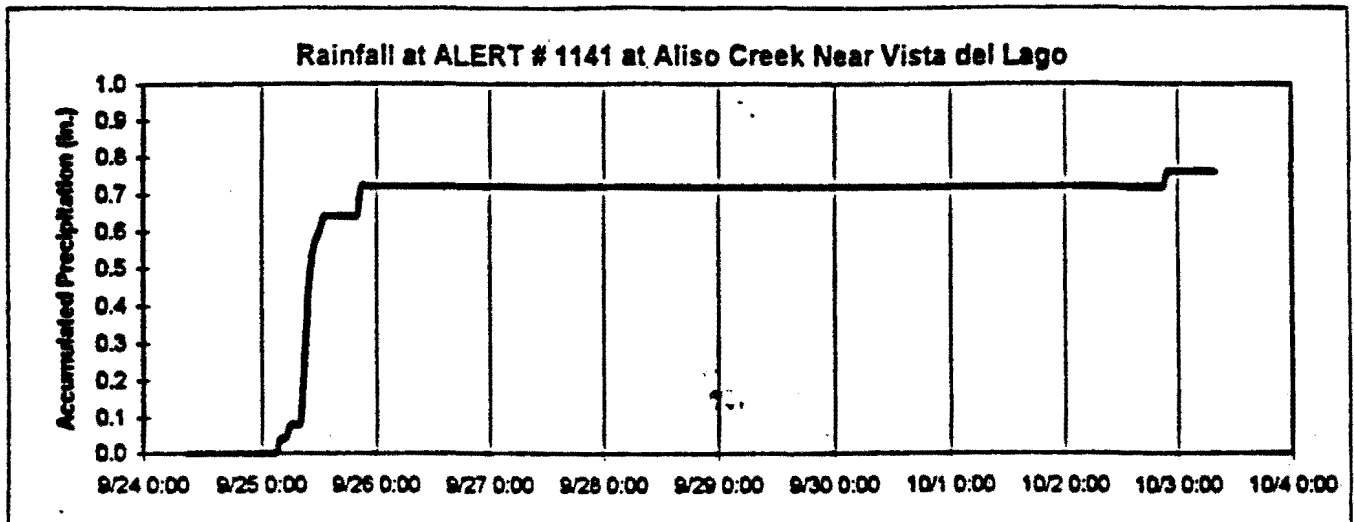
REQUIREMENT (a) Samples of water from each sampling station shall have a density of total coliform less than 1,000 per 100 ml, provided that not more than 20% of the samples at any sampling station, in any 30-day period, may exceed 1000 per 100 ml, and provided that no single sample when verified by 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 30-day period exceed 400 per 100 ml.

SAMPLING FREQUENCY: Twice weekly

COASTAL COMMISSION
5-83-959-A4

EXHIBIT # 6
PAGE 12 OF 13

Accumulated Precipitation at Three Rain Gauges in Aliso Creek Watershed





A-5-LGB-97-14
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

5-83-959-A4
COASTAL COMMISSION
Opposition letter

EXHIBIT # H
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 PRELIMINARY 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 BOLLARD, 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.

RUD DALOWSKI
(signature)

COASTAL COMMISSION
 5-83-959-A4

EXHIBIT # H
 PAGE 2 OF 2



**COUNTY OF ORANGE
HEALTH CARE AGENCY**



TOM URAM
DIRECTOR

HUGH STALLWORTH, M.D.
HEALTH OFFICER

JACK MILLER
DEPUTY DIRECTOR

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

TELEPHONE: (714) 687-3600
FAX: (714) 972-0749

**PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH**

COASTAL COMMISSION

5-83-959-14: Support letters

March 4, 1997

EXHIBIT # I

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
A-5-LEG-97-166
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 mouth is regarded as chronically contaminated and is therefore permanently posted with warning signs 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.

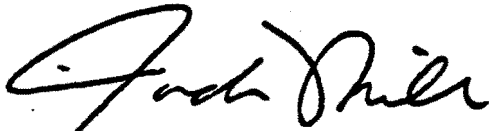
In response to these concerns, discussions to divert Aliso Creek waters away from Aliso Beach during dry weather periods are underway. HCA strongly supports the dry weather diversion as an interim solution to the potential public health concerns associated with the intermittent unauthorized discharges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

5-83-959-A4

EXHIBIT # I

PAGE 2 OF 9

ROBERTUS.LTR/WQ?

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



ALISO WATER MANAGEMENT AGENCY

30250 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

COASTAL COMMISSION

5-83-959-A4

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

EXHIBIT # I
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

5-83-959-A4

A-5-LGB-97-166

EXHIBIT # I

Addendum

PAGE 4 OF 9

Letter #1

Letter from the City of
Laguna Beach

Page 1 of 2

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

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.

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2

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

~~5-83-959-A4~~

EXHIBIT # I
PAGE 5 OF 9

23

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

5-83-959-A4

EXHIBIT # I

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.

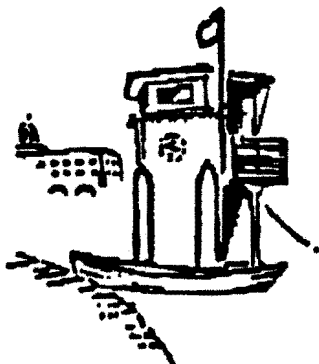
Thank you for your time.

Tex Haines
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 Occangate 10th Floor

Long Beach, CA 90802

Attn: Meg Vaughn

RECEIVED
JUL 7 1997

CALIFORNIA
COASTAL COMMISSION

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

583-959-A4

EXHIBIT # I

PAGE 7 OF 9

cc: City of Laguna Beach Mayor and Council Members

Copy Faxed to 562 590 5084

A-5-LGB-97-166 Addendum: Letter # 5, of 1

#10

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

RECEIVED
JUL 7 1997

July 2, 1997

CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION
5-83-959-A4

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

EXHIBIT # I
PAGE 8 OF 9

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~~

#

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

5-83-959-A4

EXHIBIT # I

PAGE 9 OF 9

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

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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.

5-83-959-A4
COASTAL COMMISSION
Emergency Permit

EXHIBIT # J
PAGE 1 OF 4

Very Truly Yours,

Peter M. Douglas
Executive Director

Charles Damm

By: Charles Damm
Title: Deputy Director

COASTAL COMMISSION

5-83-959-A4

EXHIBIT # J

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

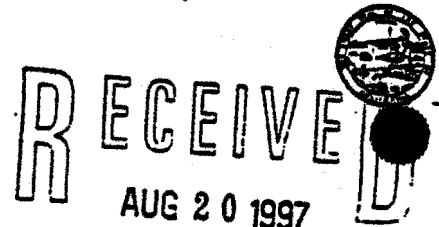
5-83-959-A4

EXHIBIT # J

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CALIFORNIA COASTAL COMMISSION

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

EMERGENCY PERMIT ACCEPTANCE FORM

CALIFORNIA
COASTAL COMMISSION

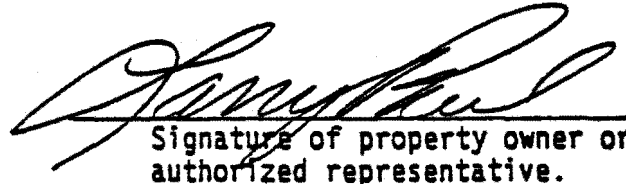
Emergency Permit No. 5-97-219-G

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.

COASTAL COMMISSION
5-83959-A4

EXHIBIT # J
PAGE 4 OF 4


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

*A-5-LGB-97-166
file copy*