

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 10000 Oceanside, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

Filed: August 9, 2000
 49th Day: September 27, 2000
 180th Day: February 5, 2001
 Staff: FJS-LB
 Time
 Extension: May 6, 2001
 Staff Report: March 22, 2001
 Hearing Date: April 10-13, 2001
 Commission Action:



W 15c

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

**AMENDMENT
 APPLICATION NO.:** A-5-LGB-97-166-A3

APPLICANT: County of Orange

AGENT: Larry Paul, County of Orange, Planning and Development Services
 Mike Wellborn, County of Orange, Planning and Development Services

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

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Installation of: 1) a temporary sand berm on the banks of Aliso Creek, 2) motorized pump, and 3) a 200 foot long pipe between a point in Aliso Creek, upstream of the proposed berm, and an adjacent existing sewage outfall; to collect creek flows (up to 3.23 million gallons per day) and divert them to the existing outfall line which discharges approximately 1.5 miles offshore for one summer season. The proposed development was authorized only for the period May 1, 1998 through October 15, 1998. The proposed development also received authorization for the period May 1, 2001 through October 15, 2001.

DESCRIPTION OF AMENDMENT: Authorize the temporary installation of a sand berm in Aliso Creek to collect creek flows and divert them to an outfall line which discharges 1.5 miles offshore for the time period of May 1, 2000 through October 15, 2000 as allowed under Emergency Permit 5-00-272-G.

SUMMARY OF STAFF RECOMMENDATION: The major issues of this staff report include water quality, streambed alteration, public access and the relationship of this temporary project relative to a long term permanent solution for minimizing off-shore pollution resulting from urban runoff.

The City of Laguna Beach originally approved the entire proposed project as CDP 97-19. However, an appeal was filed (A-5-LGB-97-166) and the Commission found substantial issue on July 9, 1997. The De Novo hearing was held on February 3, 1998, and approval was granted with conditions. The proposed development was previously approved for implementation as a temporary project to occur during a specific period, May 1, 1998 through October 15, 1998. However, circumstances prevented implementation of the project in 1998, therefore the applicant wished to implement the same temporary project in 1999. The Commission approved the project for the period of May 1, 1999 through October 15, 1999 with special conditions. The applicant has proposed this development to occur again from May 1, 2000 through October 15, 2000. Staff recommends approval of the proposed project with revised special conditions.

The special conditions relate to: 1) limit the proposed project to one summer season, 2) require restoration of the stream after the development is removed, 3) require submittal of monitoring data and conclusions regarding the data, 4) removal of the berm before October 15, 2000 in the event of a significant storm event and 5) preservation of parking.

STAFF NOTE: The proposed project is part of an overall temporary project to divert the summertime flows of Aliso Creek into the Aliso Water Management Agency ("AWMA") outfall. The City of Laguna Beach originally approved the entire proposed project as CDP 97-19. However, an appeal was filed (A-5-LGB-97-166) and the Commission found substantial issue on July 9, 1997. The De Novo hearing was held on February 3, 1998, and approval was granted with conditions. Coastal development permit amendment A-5-LGB-97-166-A1 was an amendment to the coastal development permit approved by the Commission at the De Novo stage. Coastal development permit amendment A-5-LGB-97-166-A1 dealt with the portion of the proposed project within the City of Laguna Beach's coastal development permit jurisdiction area. Since the Commission granted the approval at the De Novo stage, the Commission retains jurisdiction over the permit for purposes of condition compliance and amendment. The Commission's 1998 approval included special conditions restricting the period of time the proposed project could be implemented as well as the quantity of water which could be diverted. Due to these restrictions, and larger than normal El Nino induced summertime flows in Aliso Creek, the proposed project was not implemented. Therefore, the applicant applied for authorization to implement the same project approved, but not implemented for the period including May 1, 1998 through October 15, 1998, during the same period in 1999 and was approved. On July 20, 2000 the County of Orange received an Emergency Permit (5-00-272-G) for the same proposed project to authorize the temporary installation of a sand berm in Aliso Creek to collect creek flows and divert them to an outfall line beginning immediately through October 15, 2000. This permit amendment (A-5-LGB-97-166-A3) would constitute the follow-up permit for Emergency Permit 5-00-272-G.

Applications 5-97-316-A3 and 5-83-959-A7 are scheduled concurrently with this permit application. In 1997, the City of Laguna Beach approved the entire proposed project, including the portion of the berm within the creek bed. The creek bed is submerged lands which are the Commission's area of original permit jurisdiction. Therefore, in 1998 the Commission approved CDP 5-97-316 for that portion of the project which is within the Commission's original jurisdiction (i.e., the portions of the berm within the creek bed and the off-shore discharge) and are not within the certified area of the City of Laguna Beach. In addition, permit amendment 5-85-959-A7 (a.k.a. coastal development permit A-61-76 issued by the California Coastal Zone Conservation Commission) is an application for amendment from the Aliso Water Management Agency (AWMA) to allow the County of Orange to use the outfall approved by CDP A-61-76 to discharge summertime flows from Aliso Creek. At the time of approval of permit A-61-76, diversions of Aliso Creek into the outfall was not contemplated, therefore, the amendment authorizes the use of the outfall for these purposes.

At the time of Commission action in 1998, the proposed project was the subject of some controversy. Opponents to the project were concerned with the potential for upstream flooding which might be associated with pump failure or unexpectedly large summertime discharges of the creek. In addition, opponents were concerned with impacts upon biological resources. Finally, opponents were concerned the proposed temporary project, which simply moves pollution further offshore, would become a permanent solution in place of a comprehensive plan which works toward overall

reduction of contaminant levels in Aliso Creek. Supporters of the development expressed their belief that the proposed project would provide a feasible interim measure to reduce contamination levels at local beaches while a longer term solution (i.e. water quality management plan) was developed. All approvals granted by the Commission were conditioned to address adverse impacts related to flooding and biological resources. As of the date of this staff report, no subsequent opposition has been raised related to coastal development permit amendments A-5-LGB-97-166-A3, 5-97-316-A3, and 5-83-959-A7.

PROCEDURAL NOTE

1. Coastal Development Permit Amendments

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.

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.

In this case, the proposed amendment would authorize diversion of Aliso Creek to occur during 2000. In order to authorize this change to the project, the special conditions must be updated to move the authorized period of activity from May 1, 1999 through October 15, 1999 to May 1, 2000 to October 15, 2000. Pursuant to Title 14, Section 13166(a)(1) of the California Code of Regulations, the Executive Director has determined that the proposed development constitutes a material amendment as it would affect conditions required for the purpose of protecting coastal resources. Therefore, pursuant to Section 13166(a)(3) of the Commission's regulations, the Executive Director is referring this application to the Commission for action.

2. Standard of Review

Section 30604(b) of the Coastal Act provides that the standard of review is the certified LCP for the portions of the proposed project within the certified area. This includes all of the project except for the portion of the berm in the creek bed and the portion of the outfall located offshore (see 5-97-316).

LOCAL APPROVALS RECEIVED: City of Laguna Beach CDP97-19

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS.

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-5-LGB-97-166 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of the certified Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD CONDITIONS.

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Removal of Development. The diversion of up to a twenty-four (24) hour average flow rate of five (5) cubic feet per second (i.e., 3.23 million gallons per day) of the water flow of Aliso Creek approved by this permit is authorized only for the 2000 summer season from May 1, 2000 through October 15, 2000. In no case shall the diverted flows exceed seven (7) cubic feet per second (i.e., 4.52 million gallons per day) at any time. This permit does not authorize the diversion to continue past October 15, 2000. All structural development, except for the buried 12 inch PVC connecting pipe, shall be removed as quickly as possible prior to the rainy season but in no case shall any development remain after October 25, 2000. The Aliso Creek end of the connecting pipe shall be capped as quickly as possible prior to the rainy season but in no case shall it be capped any later than October 25, 2000.
2. Restoration. The bed and banks of Aliso Creek disturbed by the approved project shall, after the removal of the berm and pipe from the creek, be restored, at a minimum, to the condition in which they existed prior to construction of the berm and installation of the pipe.
3. Water Quality Monitoring
 - A. The applicant shall provide to the Commission monitoring data required by the San Diego Regional Water Quality Control Board and the California Health & Safety Code (i.e. AB411) for the project period and for comparative periods when the project was not in place (e.g. 3 months before project implementation and 3 months after project implementation) for (1) the quantities and types of pollutants (both organic and heavy metals) being discharged from the outfall, (2) the quantities and types of pollutants (both organic and heavy metals) present in the waters of Aliso Creek, the surf zone and vicinity where Aliso Creek discharges to coastal waters, and in near shore waters, and (3) the effects of the project on the marine environment in the vicinity of the outfall and Aliso Creek County Beach, including beneficial/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.
 - B. The applicant shall submit the results of the monitoring required in Special Condition 3.A. and 3.B. above, including any monitoring reports required by the San Diego Regional Water Quality Control Board for this development, to the Executive Director by April 30, 2001. The monitoring results shall be accompanied by an analysis prepared by an appropriately licensed professional which demonstrates whether applicable water quality standards (e.g. in stream Basin Plan objectives for Aliso Creek and Ocean Plan standards) were met during the project period. The analysis shall indicate whether Aliso Creek County Beach was posted or closed pursuant to the requirements of the California Health & Safety Code during the project period and whether the proposed project was operational during any postings or closures. The analysis shall contain a determination (including the basis on which the determination was made) of whether the proposed project reduced beach postings or closures

during the project period. The analysis shall also contain a determination (including the basis on which the determination was made) of whether the proposed project had any beneficial/adverse impacts upon human health and marine life including any such impacts at the outfall, in near shore waters, in the surf zone or in Aliso Creek.

4. Removal of berm prior to October 15, 2000 to prevent flooding. Notwithstanding Special Condition No. 1 above, if, prior to October 15, 2000, the National Weather Service predicts that a significant storm event will occur prior to October 15, 2000 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 in any area which drains into the watershed of Aliso Creek.
5. Preservation of Parking. PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised plans, for the review and approval of the Executive Director, which clearly show the location of the pipe connecting the berm with the outfall. Construction activities and the staging or storage of construction equipment or material in the public parking lot inland of Pacific Coast Highway adjacent to Aliso Creek shall not displace or obstruct access to any parking spaces within the lot between May 28, 2000 (i.e. Memorial Day weekend) and September 6, 2000 (i.e. Labor Day weekend). The connecting pipe shall be buried, as proposed, so that it does not eliminate, or otherwise obstruct the use of, parking spaces in the public parking lot inland of Pacific Coast Highway adjacent to Aliso Creek. The applicant shall comply with and implement the plans approved by the Executive Director.
6. Prior Conditions

Unless specifically altered by this amendment, all regular and special conditions attached to coastal development permit A-5-LGB-97-166 remain in effect.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

In 1998, the Commission approved the temporary diversion (i.e. May 1, 1998 through October 15, 1998) of low-flow summertime discharges of Aliso Creek into an existing sewage outfall which outlets 1.5 miles offshore for one summer season only. The diversion would occur by building a berm in Aliso Creek, approximately 300 feet inland of Coast Highway. The proposed sand berm would be four feet high above the creek bed, 24 feet wide, and sixty feet long. The proposed berm would be lined with plastic to prevent erosion and allow for ponding of water behind the berm. The proposed berm would have an 18" deep notch at the top in the middle at an elevation of three feet above the creek bed to allow for overflow to prevent flooding in the event the pump fails or water ponds too rapidly. The water which ponds behind the proposed berm would then be pumped, at a rate of about five cubic feet per second, via a new pipe and pump into the existing Aliso Water Management Agency (AWMA) pipeline and outfall. To minimize pump noise, the proposed pump would be electric and be housed in an unused building owned by AWMA. The new pipe which will transport waters ponded behind the temporary berm to the AWMA pipeline and outfall will be 200 feet long and made of PVC. The proposed pipe would be laid in a shallow trench, two feet below

grade, dug across a previously graded and surfaced terrace and an existing public parking lot (Exhibit 1).

The portions of the proposed berm not within the creek bed (e.g., where the berm is on the banks of the creek) are within the certified area of the City of Laguna Beach and are covered by the subject permit amendment application. The other portions of the proposed berm in the creek bed is within the permit jurisdiction of the Coastal Commission because the creek bed is submerged lands and is the subject of coastal development permit amendment 5-97-316-A1.

As conditioned by the conditions of approval of CDP A-5-LGB-97-166 (Exhibit 2), the proposed development could only occur during the period of May 1, 1998 through October 15, 1998. Also, the Commission's approval only authorized diversion of flows, on average, of up to 5 cubic feet per second (3.23 million gallons per day) during a 24 hour period. In addition, peak flows could not exceed 7 cubic feet per second (4.52 million gallons per day). Due to higher than anticipated summertime flows in Aliso Creek which exceeded pumping capacity, outfall line capacity, and approved diversion quantities, the applicant did not implement the proposed project in 1998. Therefore, the applicant applied to implement for the same project for the period May 1, 1999 through October 15, 1999.

The City issued coastal development permit CDP 97-19 which was appealed to the Commission in 1997 based on inconsistency with the certified local coastal program regarding flooding and offshore water quality. On July 9, 1997, the Commission found that the appeal raised a substantial issue. Therefore, on February 3, 1998, the Commission held a De Novo hearing on the item and approved the proposed project (A-5-LGB-97-166) subject to several conditions. Since the Commission approved the project at the De Novo stage, the Commission retains authority over the permit for condition compliance and amendment. An amendment to A-5-LGB-97-166 was required to authorize the proposed project to occur in 1999. Another amendment is necessary to authorize the proposed development to occur in 2000.

The proposed project also involves two other separate permit amendment actions. In 1997, the City of Laguna Beach approved the entire proposed project, including the portion of the berm within the creek bed. The City's coastal development permit was subsequently appealed to the Commission. The Commission found substantial issue, consequently the City's permit was re-characterized. This staff report covers the portion of the project, which is within the jurisdiction of the City of Laguna Beach. Permit amendment application (5-97-316-A3) covers the portion of the project in the creek bed, which is within the Commission's area of jurisdiction. The second permit amendment application (5-83-959-A7) allows the discharge of the Aliso Creek stream flows into the AMWA out fall pipe.

Permit amendment application (5-97-316-A3) covers the creek bed within the Commission's area of jurisdiction since the creek bed is submerged lands, which are the Commission's area of original permit jurisdiction. In 1998 the Commission approved CDP 5-97-316 for that portion of the project, which is within the Commission's original jurisdiction (i.e., the portions of the berm within the creek bed and the offshore discharge) and are not within the certified area of the City of Laguna Beach. The Commission's 1998 approval included special conditions restricting the period of time the proposed project could be implemented as well as the quantity of water which could be diverted. Due to these restrictions, and larger than normal El Nino induced summertime flows in Aliso Creek, the proposed project was not implemented. Therefore, the applicant applied for and received approval to implement the same project for the period May 1, 1999 through October 15, 1999.

Permit amendment application (5-83-959) covers the discharge of the Aliso Creek stream flows into the AMWA out fall pipe. In 1976, the California Coastal Zone Conservation Commission (predecessor to the present Coastal Commission) approved an appeal permit A-61-76 for the construction of the AWMA outfall. The approved outfall discharges secondary treated effluent into the ocean. The permit was conditioned to limit effluent as a means to regulate development served by the outfall. In the early 1980's, several amendments to the permit were approved to increase effluent limits. However, the type of diverted discharge from Aliso Creek proposed into the outfall is not covered under the previously approved permit and three previous permit amendments. Therefore, in 1998 the Commission approved an amendment, 5-83-959-A4, authorizing the discharge of summertime flows from Aliso Creek into the outfall during 1998. Another permit amendment was required to change the period of authorized activity to 1999. The applicant again is applying for another amendment to authorize the development to occur in 2000. These two amendment applications are also on the Commission agenda.

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

The applicant has chosen the proposed project in part because it is inexpensive (\$8,500 versus \$100,000 for treatment) and is only intended to be a temporary solution until an overall watershed management plan for reducing pollutants in Aliso Creek can be formulated. The Commission has conditioned the project to ensure the proposed diversion does not become the permanent response to contamination problems at Aliso Beach. Meanwhile, the U.S. Army Corps of Engineers is in charge of an overall effort, the *Aliso Creek Watershed Management Study*, which is moving forward on its feasibility phase of the project to evaluate methods of reducing the amount of runoff and pollutants entering Aliso Creek. The most recent update from the Corp on the *Aliso Creek Watershed Management Study* identifies some preliminary solutions including the implementation of a detention basin and wetlands complex in the lower portions of Aliso Creek to provide water filtration to improve water quality.

B. WATER QUALITY

City of Laguna Beach Certified Local Coastal Program 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 1.5 miles offshore. The proposed project consists in part of development located within the certified area of the City of Laguna Beach. Therefore, the standard of review for these portions of the proposed project is consistency with the certified local coastal program ("LCP").

The project is being proposed primarily to alleviate the problem of water polluted with coliform bacteria which gets stuck at the beach from harming the health of beach users. 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 indicated that the mouth of Aliso Creek ". . . is regarded as chronically contaminated and is therefore permanently posted with . . . signs stating, 'Keep Out', 'Contaminated Water'."

On July 9, 1997, the Commission found that the proposed project raised a substantial issue in part because no data was provided which described the types of pollutants other than coliform in the waters of Aliso Creek. High levels of coliform in the creek which exceed the standards for safe human contact were documented. However, without data regarding other types of pollutants, the Commission could not determine whether the diversion of the creek would result in pollutants other than coliform which are harmful to humans or marine life being discharged into offshore waters. Therefore, the Commission could not determine if the proposed project should be opposed because it degrades the quality of offshore waters.

The problem of ponding polluted water and the attendant public health risks are greater during the summer, when creek flows are low and use of the beach by the public is at its highest. Low creek flows mean that the water is not forceful enough to cut through the sand berms at the 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 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 (Exhibit 10), 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. 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). Pursuant to the previously imposed conditions of the subject coastal permit A-5-LGB-97-166, the applicant monitored discharges from Aliso Creek during October 1998. Since the proposed project was not implemented, 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. In addition, the applicant monitored discharges from Aliso Creek from September 23, 1999 to October 14, 1999 pursuant to coastal development permit A-5-LGB-97-166-A1. These monitoring periods are within the summertime period of 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").

Additional monitoring conditions were imposed by Emergency coastal development permit 5-00-272-G (Exhibit 3) that was issued on July 20, 2000. These conditions required that the applicant provide to the Commission monitoring data required by the San Diego Regional Water Quality Control Board and the California Health & Safety Code (i.e. AB411) for the project period and for comparative periods when the project was not in place. These revised monitoring conditions that were imposed on coastal development permit 5-00-272-G have also been placed on this current proposed amendment. The applicant has submitted additional information regarding Bacteriological Monitoring of Aliso Creek Diversion from September 27, 1999 to October 15, 1999 at the surf outfall and also has provided Aliso Creek Bacterial Data for the month of October from 1992-1999.

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. (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 agent 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 fell within ocean discharge standards. Additional data gathered from Aliso Creek from October 8, 1998 through October 15, 1998, indicate similar results, with the exception of one

elevated reading from Total Suspended Solids (TSS) on October 9, 1998. Data was also gathered from September 23, 1999 to October 14, 1999 that indicated that the water quality in the creek was also considered within ocean discharge standards similar to the determinations made in 1997 and 1998 (Exhibit 4). 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 (Exhibit 5). 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 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., well below the prescribed standard. Only at the Aliso-Middle station near the creek did the concentrations rise above 100 per 100 ml., and then not by much. Accordingly, data obtained in 1996 and 1997 indicate that coliform levels are generally lower at points farther from, rather than nearer to, Aliso Creek. 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.

The applicant has submitted data in regards to the Bacteriological Monitoring of Aliso Creek Diversion from September 27, 1999 to October 19, 1999 at the surf outfall location (Exhibit 6). The diversion of nuisance flow from Aliso Creek into the AWMA outlet only occurred between October 1-15, 1999. This was the only occasion between the period of September 27, 1999 to October 15, 2000 that it was determined that the diversion was needed to divert creek flows to the AWMA outlet. During these dates, the data showed that there was a decrease bacteria in the surf located at the outfall for this time period. Thus, showing that the diversion was effective.

Commission Staff conducted further research to determine if the Aliso Creek diversion was effective. Staff obtained data stating when the beach was closed due to high levels of bacteria from July 28, 1999 to July 6, 2000 (Exhibit 7). The diversion took place from October 1-15, 1999 and during that time frame there were no beach closures. Prior to the diversion taking place (July 28, 1999 to September 29, 1999) there were a total of 2 beach closures. There were a total of 8 beach closures from October 21, 1999 to July 6, 2000 for the time period after the diversion was to be removed and halted. This information supports the notion that the diversion project has been effective.

Data was also submitted that showed Bacteria counts for Aliso Creek for only the month of October from 1992 to 1999 when the diversion was not taking place (Exhibit 8). The data showed a trend of declining concentration of bacteria. If this trend of declining bacteria counts occurs in Aliso Creek, there may occur a time when the diversion would not be necessary.

On December 28, 1999, the San Diego Regional Water Quality Control District issued Cleanup Abatement Order No. 99-211 (Exhibit 9), which requires the County of Orange, the Orange County Flood Control District and the City of Laguna Niguel to control discharges of waste

with high fecal coliform bacteria from municipal storm drain outfall "J03P02" into Sulpher Creek, a tributary to Aliso Creek. Actions taken by the County of Orange, Orange County Flood Control District and the City of Laguna Niguel to comply with this order may reduce the amount of bacteria that is present in Aliso Creek and thereby eliminate the need for future diversions to the AWMA outlet.

If nothing else, the proposed project will 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 those contaminants were moved away from the recreational beach area at the mouth of Aliso Creek and discharged 1.5 miles offshore .

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

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

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

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 (Exhibit 4). 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). Also data obtained at Aliso Creek from October 8, 1998 through October 15, 1998 indicate similar results with the exception of one elevated reading of Total Suspended Solids on October 9, 1998. In addition, the data taken from September 23, 1999 to October 14, 1999 indicate that the pH levels of non-coliform pollutants are within the limits prescribed by the RWQCB'S NPDES for the AWMA outfall.

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, 2000 and October 15, 2000. The purpose of this limitation is to avoid long-term impacts to coastal resources, including stream ecology, and to ensure that the proposed diversion does not become the permanent response to elevated water contamination levels at the beach. 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 may propose 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 in the vicinity of the recreational beach.

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

Addendum No. 1 to AWMA's NPDES permit approved by the RWQCB requires AWMA to continue its monitoring program, taking into consideration the additional discharge from creek (Exhibit 10). The addendum does not raise the allowable limits for pollutants to accommodate the increase discharge from the creek. Therefore, compliance with the RWQCB's NPDES permit for the outfall would ensure that the discharge from the creek would not result in either coliform or non-coliform pollutants from rising to levels above that considered safe for marine life or human contact.

4. Conclusion (Offshore Water Quality)

Thus, as conditioned to: 1) limit the proposed project to the summer season of 2000; and 2) require submittal of monitoring data and conclusions regarding the data, the Commission finds that the proposed project would maintain the quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health. Therefore, as conditioned, the Commission finds that the proposed project would be consistent with LCP Policy 4-H.

C. STREAMBED ALTERATION

Certified Laguna Beach Local Coastal Program ("LCP") Policy 1-J states:

In order to maintain stable channel sections and the present level of beach sand replenishment, sediment movement in natural drainage channels shall not be significantly changed.

Certified Laguna Beach Local Coastal Program ("LCP") Policy 4-A states:

Protect fresh water lakes, streams, waterways and riparian habitats, and preserve the borders and banks of lakes and streams in their natural state, where possible.

Certified Laguna Beach LCP Policy 9-B states:

Prohibit filling and substantial alteration of streams and/or diversion or culverting of such streams except as necessary to protect existing structures in the proven interest of public safety, where no other methods for protection of existing structures in the floodplain are feasible or where the primary function is to improve fish and wildlife habitat. This provision does not apply to channelized sections of streams without significant habitat value.

Certified Laguna Beach Local Coastal Program ("LCP") Policy 9-U states:

Restore and retain Aliso Creek in a natural state and protect the Creek from infringement of new development.

The construction of the sand berm in Aliso Creek will result in the alteration of the creek bed (which is actually within the Coastal Commission's permit jurisdiction and thus not part of this coastal development permit amendment) and the banks of the creek as well as impede sediment movement. Ponding of water upstream of the proposed berm would flood riparian vegetation upstream from the berm. Riparian vegetation seaward of the proposed berm would be deprived of water and may die. However, because the proposed construction would be temporary (i.e., not more than six months in duration) and last for the 2000 summer season only, it is not a substantial alteration. The proposed project is not a permanent

solution for managing pollutants in Aliso Creek. Prior information that was discussed in this report show that the proposed project has been effective, but this diversion project will only be temporary until an overall watershed management plan for reducing pollutants in Aliso Creek can be formulated. Furthermore, the one season limitation ensures the proposed project will not become a permanent channelization. In addition, the proposed project would occur during the dry summer season, when there is not much water in Aliso Creek and therefore the amount of riparian vegetation which grows would likely be less than during the rainy season. Thus, the amount of riparian vegetation which would be temporarily impacted would be less than during the rainy season. The predominant riparian vegetation located in the proposed project area consists of non-native invasive species. The vegetation consists of iceplant (*Carpobrotus* spp.) and giant reed (*Arundo donax*). Further, the applicant has received a streambed alteration agreement from the California Department of Fish and Game approving the proposed project (Exhibit 11).

Still, the Commission finds that it is necessary to require that the banks of Aliso Creek be restored to their natural state, as they previously existed prior to construction of the project. The condition describes both the banks and bed of Aliso Creek, even though the bed is not within the certified area of the City, because of the physically integrated nature of the proposed berm. Limiting the berm to one summer season would restore sediment movement. Because the proposed project is temporary for one year and does not constitute substantial alteration, and as conditioned for restoration of the creek and removal of the berm by October 15, 2000, the Commission finds that the portion of the proposed project within the certified area of the City of Laguna Beach would be consistent with certified LCP Policies 1-J, 4-A, 9-B, and 9-U.

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 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].

Policy 3-A of the Open Space and Conservation policies of the Laguna Beach certified local coastal program states:

Retain and improve existing public beach accessways in the City, and protect and enhance the public rights to use dry sand beaches of the City.

The proposed development includes trenching, to place a subsurface pipe, through an existing public parking lot which provides public parking for nearby beach areas. In addition, construction of the proposed project will require the staging and storage of equipment and materials in the parking lot. Public access to the beach may be interrupted if construction of the proposed project interferes with the public's ability to access and park in the parking lot, especially during peak summer use of the beaches, generally between Memorial Day and Labor Day each year. Accordingly, special condition five of this amendment requires that construction of the proposed project not interfere with the public's ability to access and park in the public parking lot during the period of Memorial Day to Labor Day. Therefore, as conditioned, the Commission finds the proposed development conforms with the public access requirements of the certified local coastal program.

In addition, the proposed project would temporarily resolve the problem of ponding polluted water at Aliso Creek County Beach, a popular beach. This would encourage greater use of the beach. Therefore, the Commission finds that the proposed project is consistent with policy 3-A of the certified local coastal program and Section 30210 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

The City of Laguna Beach local coastal program was effectively certified on January 13, 1993. The portions of the proposed project within the certified areas of the City of Laguna Beach have been conditioned to be consistent with the provisions of 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 and streambed alteration policies of the certified local coastal program. Mitigation measures requiring: 1) limit the proposed project to one summer season, 2) require restoration of the stream after the development is removed, 3) require submittal of monitoring data and conclusions regarding the data, 4) removal of the berm before October 15, 2000 in the event of a significant storm event and 5) preservation of parking. These measures 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 certified local coastal program and the Coastal Act to conform to CEQA.

Glossary of Selected Acronyms

AWMA = Aliso Water Management Agency

CDP = coastal development permit

LCP = local coastal program

NPDES = National Pollution Discharge Elimination System

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

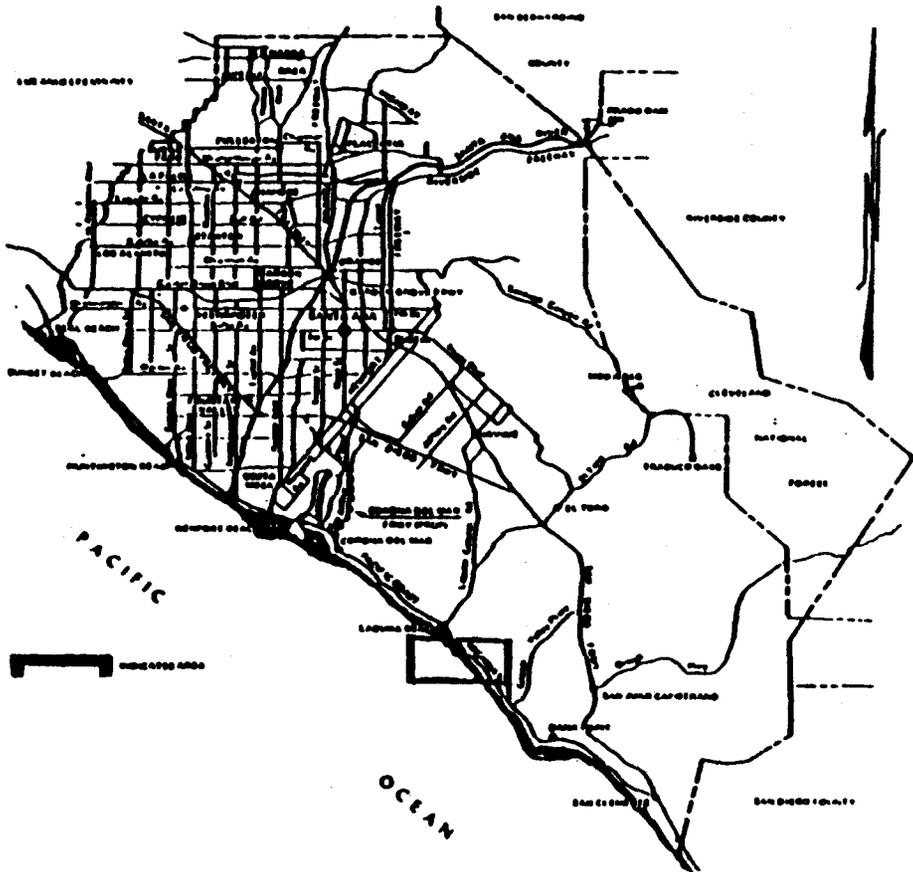
Appendix A: Substantive File Documents

1) Coastal Commission Substantial Issue Report dated June 20, 1997 for Appeal No: A-5-LGB-97-166; 2) Coastal development permit A-5-LGB-97-166-A1, 3) City of Laguna Beach Certified Local Coastal Program; 4) Emergency Permit 5-97-219-G, 5) Emergency Permit 5-00-272-G; 6) Coastal development permit 5-97-316-A1, 7) Coastal development permit 5-97-316; 8) Cleanup Abatement Order No. 99-211 issued by the San Diego Regional Water Quality Control Board, 9) City of Laguna Beach coastal development permit CDP97-19; U.S. Army Corps of Engineers Permit 96-00072-LTM; California Department of Fish and Game *Agreement Regarding Proposed Stream or Lake Alteration* dated March 11, 1996; California Regional Water Quality Control Board *Monitoring and Reporting Program* No. 95-107 for NPDES No. CA0107611; California Regional Water Quality Control Board, San Diego Region, Order No. 95-107, NPDES No. CA0107611; Addendum No. 1 to Order No. 95-107, NPDES No. CA0107611 titled *Waste Discharge Requirements for the Aliso Water Management Agency, Orange County, Discharge to the Pacific Ocean through the Aliso Water Management Agency Ocean Outfall; Agreement between Aliso Water Management Agency on Behalf of Project Committee No. 24 and the County of Orange (EMA) for County's Use of AWMA Ocean Outfall and Other AWMA Facilities for County's Aliso Creek Diversion Project.*

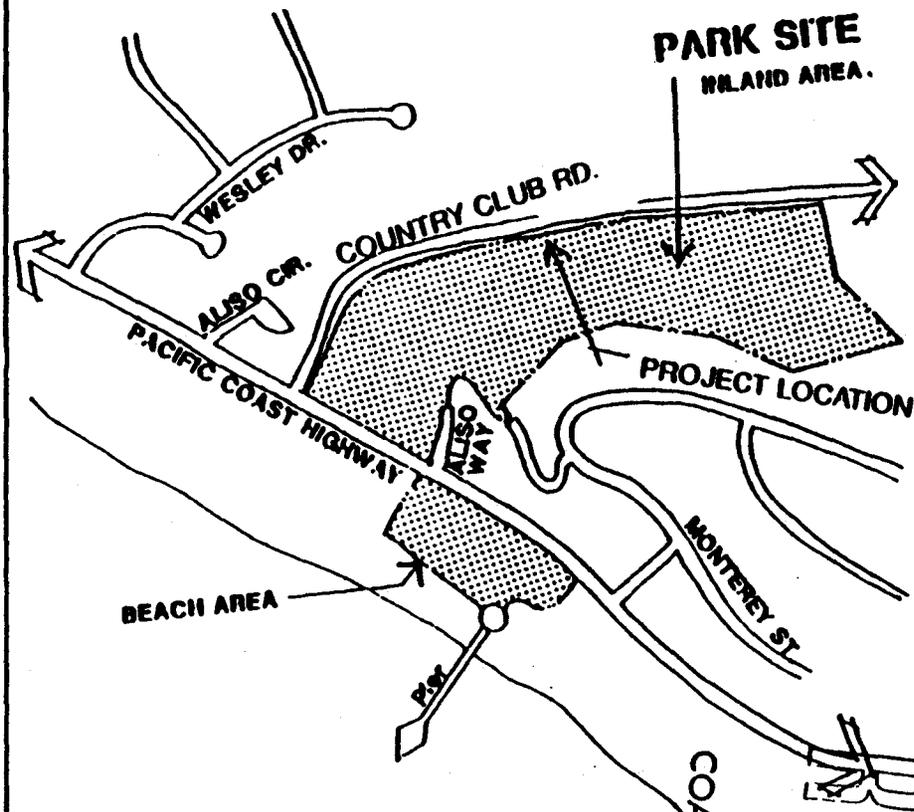




SEE 950 MAP
 SEE 921 MAP
 COPYRIGHT 1998 Thomas Dunham



VICINITY MAP



LOCATION MAP

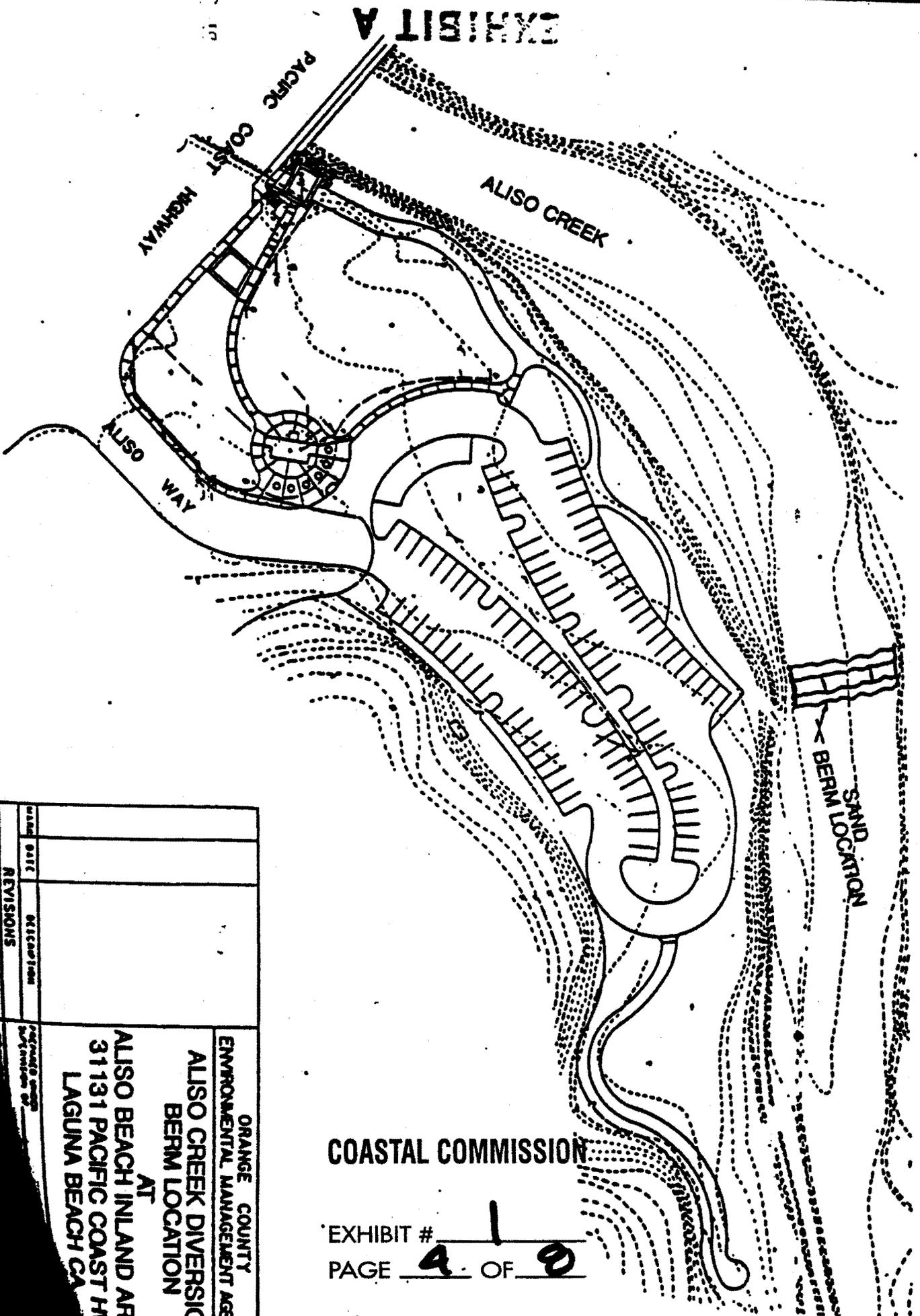
CALIFORNIA
COASTAL COMMISSION

5-97-314
RECEIVED
OCT 6 1977

ORANGE COUNTY
ENVIRONMENTAL MANAGEMENT AGENCY
PROJECT LOCATION
FOR
ALISO CREEK
DIVERSION BERM
AT
ALISO BEACH PARK
31131 PACIFIC COAST HWY,
LAGUNA BEACH CA

NO.	DATE	DESCRIPTION
REVISIONS		
DESIGNED		
DRAWN		CHECKED

PREPARED UNDER SUPERVISION OF	SCALE	DATE
	NTS	



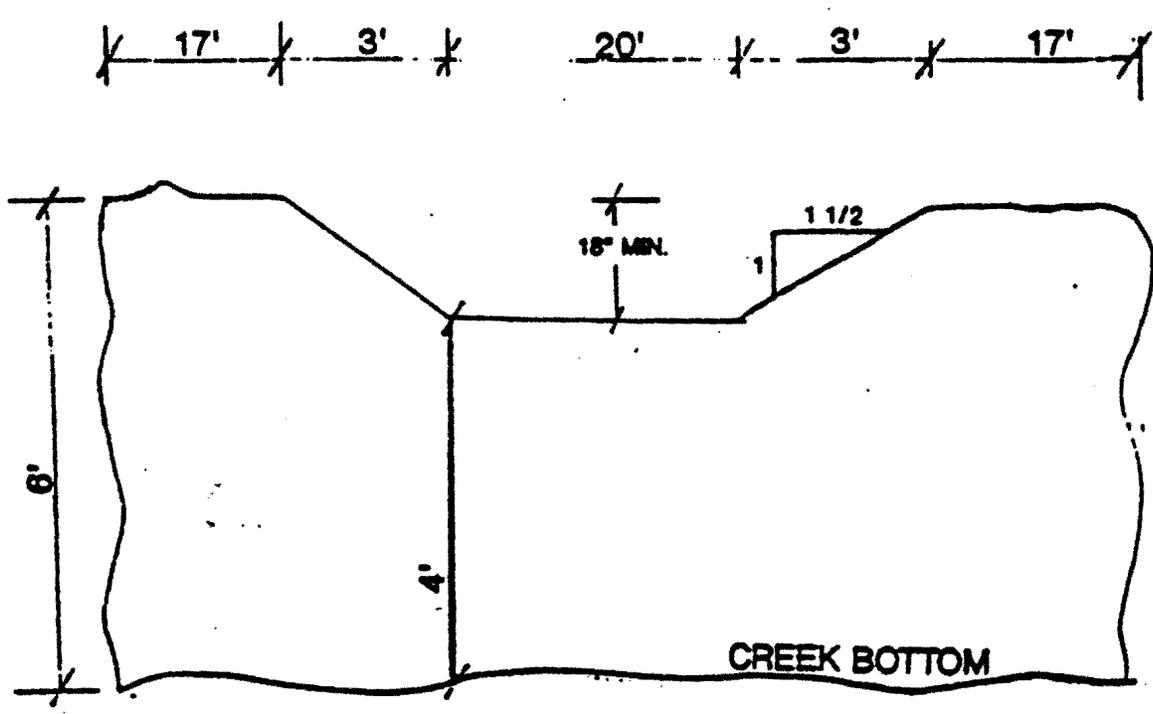
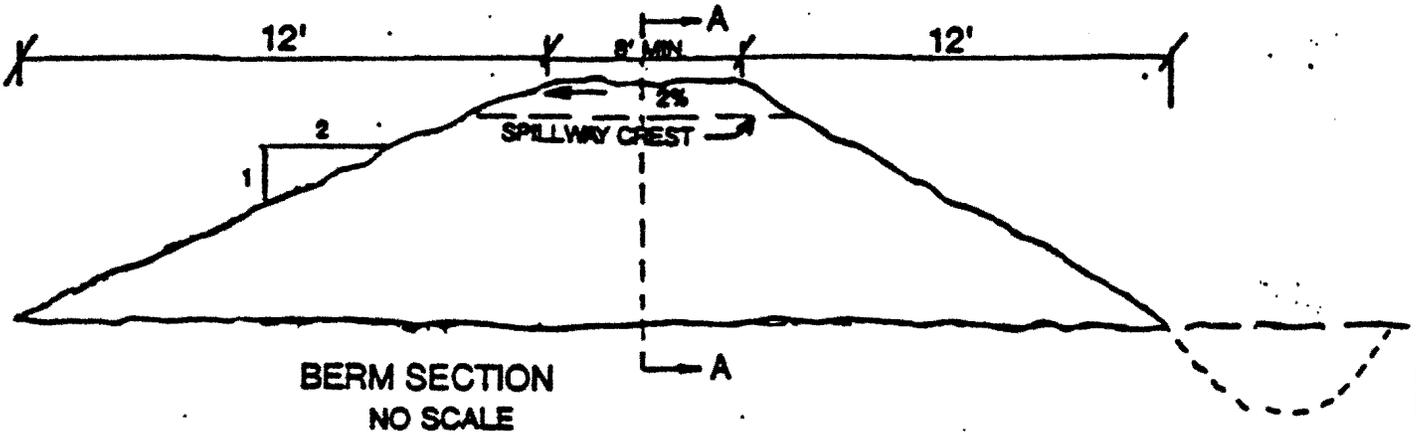
ALISO CREEK BEACH INLAND AREA

COASTAL COMMISSION

EXHIBIT # 1
PAGE 4 OF 9

DATE	REVISIONS	REVISIONS

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



SECTION AA

COASTAL COMMISSION

EXHIBIT # 1
PAGE 5 OF 8

<p>ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY</p>
<p>ALISO CREEK DIVERSION BERM CROSS SECTION AT ALISO CREEK BEACH 31131 PACIFIC COAST HWY LAGUNA BEACH CA</p>

**ALISO CREEK DIVERSION PROJECT
BEAM CROSS SECTION**

A-5-198-97-146

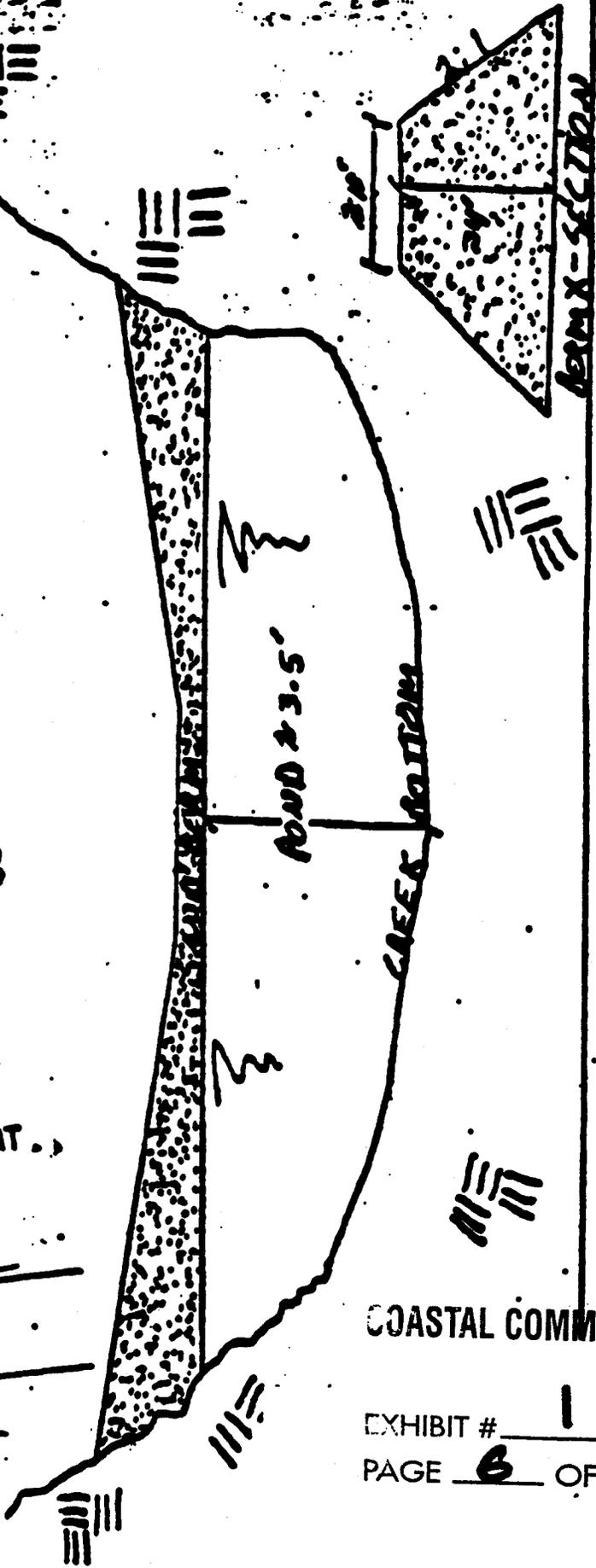
RECEIVED
JUN 17 1997

CALIFORNIA
COASTAL COMMISSION

BOARD OF ADJUSTMENT
DENIED

SIGNATURE C. Hunt

DATE 4/10/97

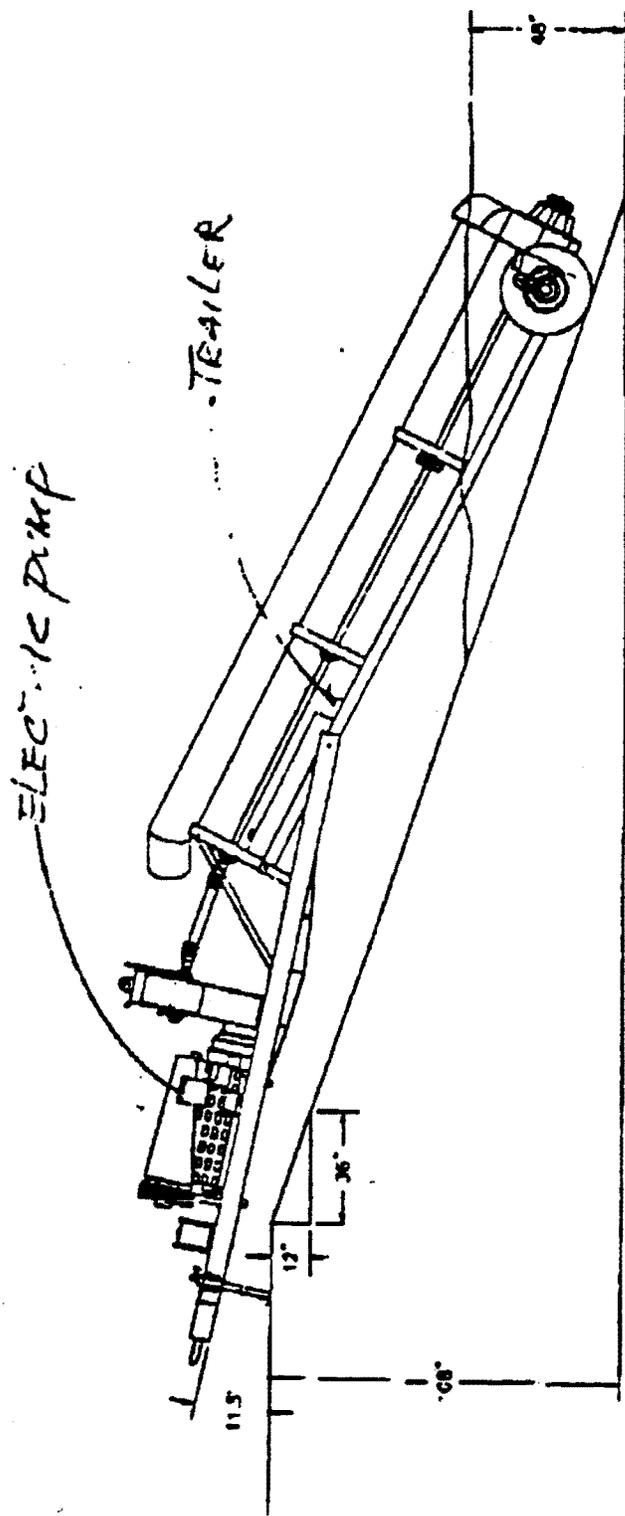


COASTAL COMMISSION

EXHIBIT # 1
PAGE 6 OF 8

Post-it Brand	Submital memo 7871
From	KATY KOTER
To	MIKE ALLEN
City of Laguna	OC & WLF
Planning	834-248
Phone	834-248
Fax	949-465

Tu 15a

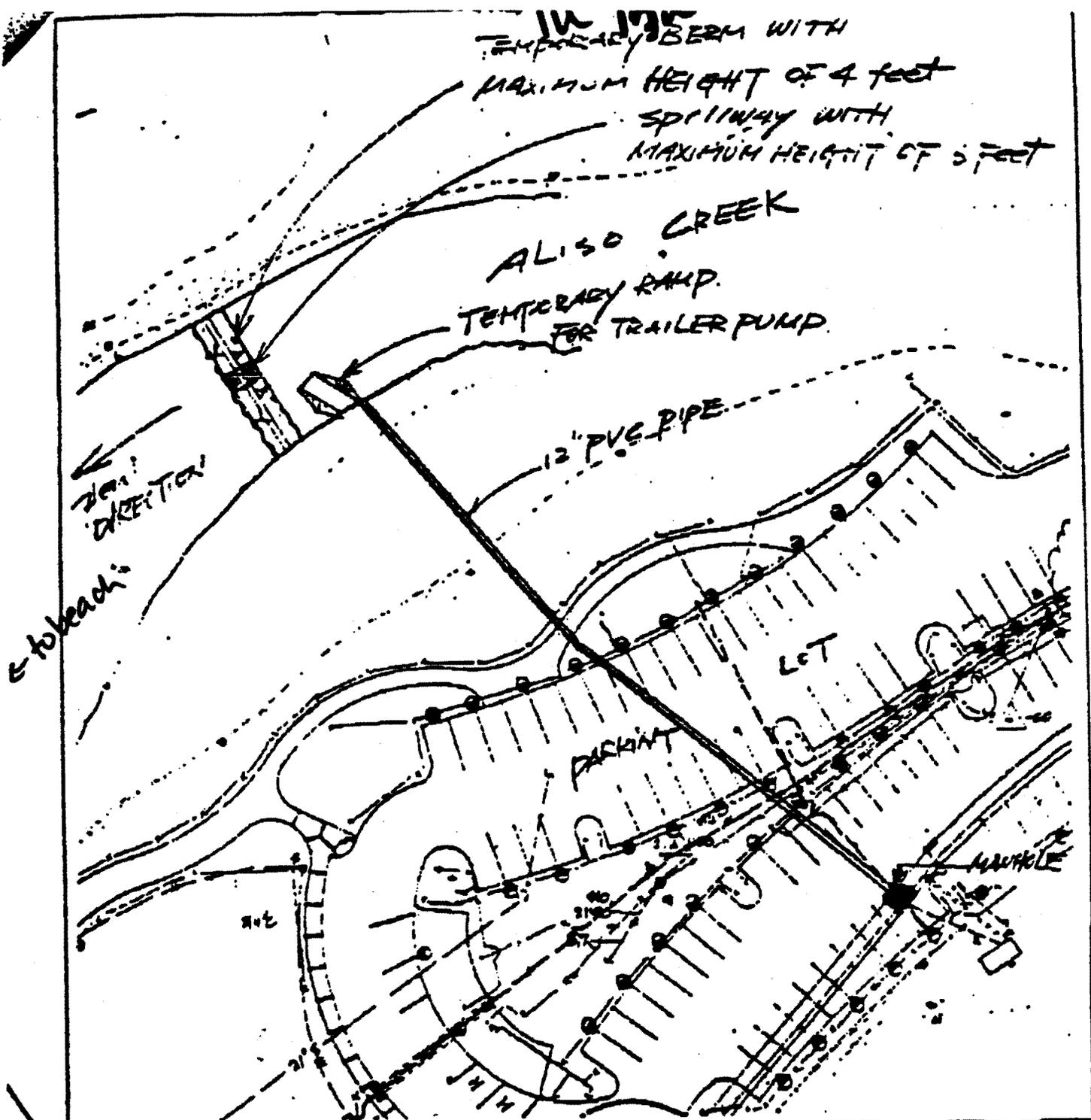


A-5-LGB-97-166 (De novo) Addendum

COASTAL COMMISSION

EXHIBIT # 1

PAGE 7 OF 8



Coastal
 ↓

PURPOSE: SUMMER FLOW
 DIVERSION
 N.T.S.



2201 DUPONT DRIVE, SUITE 820
 IRVINE, CA 92715
 (714) 752-1530

ALISO CREEK DIVERSION
 AT: ALISO CREEK
 COUNTY OF: ORANGE STATE: CA
 APPLICATION BY: COUNTY OF ORANGE
 SHEET 1 OF 1 DATE: 1/29/98

COASTAL COMMISSION

EXHIBIT # 1
 PAGE 8 OF 8

CALIFORNIA COASTAL COMMISSION
COASTAL COMMISSION
 South Coast Area Office
 200 Oceanside, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

Page: 1 of 3
 Date: March 10, 1998
 Permit No: A-5-LGB-97-166



EXHIBIT # 2
 PAGE 1 OF 3

COASTAL DEVELOPMENT PERMIT

On 3 February 1998, the California Coastal Commission granted to County of Orange Coastal Development Permit A-5-LGB-97-166, subject to the attached Standard and Special Conditions, for development consisting of: *Installation of: 1) a temporary sand berm on the banks of Aliso Creek, 2) motorized pump, and 3) a 200 foot long pipe between a point in Aliso Creek, upstream of the proposed berm, and an adjacent existing sewage outfall; to collect creek flows (up to 3.23 million gallons per day) and divert them to the existing outfall line which discharges approximately 1.5 miles offshore for one summer season.* More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at Aliso Creek, 300 feet upstream of the Coast Highway bridge, and 1.5 miles off-shore of Aliso Creek County Beach, City of Laguna Beach, County of Orange.

Issued on behalf of the California Coastal Commission on March 10, 1998.

PETER DOUGLAS
 Executive Director

By: John T. Arroyo
 Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

 Date

 Signature of Permitted

Please sign and return one copy of this form to the Commission office at the above address.

COASTAL DEVELOPMENT PERMIT

No. A-5-LGB-97-166 **COASTAL COMMISSION**

Page 2 of 3

EXHIBIT #

2

PAGE

2

OF

3

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Removal of Development.** The diversion of up to a twenty-four (24)-hour average flow rate of five (5) cubic feet per second (i.e., 3.23 million gallons per day) of the water flow of Aliso Creek approved by this permit is authorized only for the 1998 summer season from May 1 through October 15, 1998. In no case shall the diverted flows exceed seven (7) cubic feet per second (i.e., 4.52 million gallons per day) at any time. This permit does not authorize the diversion to continue past October 15, 1998. All structural development, except for the buried 12" PVC connecting pipe, shall be removed as quickly as possible

COASTAL DEVELOPMENT PERMIT

No. A-5-LGB-97-166

Page 3 of 3

prior to the rainy season but in no case shall any development remain after October 25, 1998. The Aliso Creek end of the connecting pipe shall be capped as quickly as possible prior to the rainy season but in no case shall it be capped any later than October 25, 1998.

2. Restoration. The bed and banks of Aliso Creek disturbed by the approved project shall, after the removal of the berm and pipe from the creek, be restored, at a minimum, to the condition in which they existed prior to construction of the berm and installation of the pipe.

3. Water Quality Monitoring. The permittee shall comply with the requirements of Order No. 95-107, NPDES Permit No. CA0107611, "Waste Discharge Requirements for the Aliso Water Management Agency, Orange County, Discharged to the Pacific Ocean through the Aliso Water Management Agency Ocean Outfall" including Addendum No. 1 for the approved diversion of Aliso Creek's flows into the outfall issued by the California Regional Water Quality Control Board - San Diego Region ("RWQCB"). The permittee shall submit to the Executive Director copies of the results of the monitoring data required by the RWQCB, along with written conclusions on: 1) water quality changes which occurred during the monitoring period, 2) whether the water quality changes occurred as a result of the project, and 3) the effects of these changes on offshore marine life and human health; at the same time it submits the required monitoring data to the RWQCB. The written conclusions shall be prepared by the Orange County Health Care Agency.

4. Removal of berm prior to October 15, 1998 to prevent flooding. Notwithstanding Special Condition No. 1 above, if, prior to October 15, 1998, the National Weather Service predicts that a significant storm event will occur prior to October 15, 1998 which could cause flooding in Aliso Creek, the proposed berm shall be removed prior to the forecasted date of the storm event so that no flooding will occur. For purposes of this condition, a "significant storm event" shall be defined as: an event of one inch or more of rainfall within a 24 hour period in any area which drains into the watershed of Aliso Creek.

5. Preservation of Parking. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised plans, for the review and approval of the Executive Director, which clearly show the location of the pipe connecting the berm with the outfall. Construction activities and the staging or storage of construction equipment or material in the public parking lot inland of Pacific Coast Highway adjacent to Aliso Creek shall not occur between May 22, 1998 and September 8, 1998. The connecting pipe shall be buried, as proposed, so that it does not eliminate, or otherwise obstruct the use of, parking spaces in the public parking lot inland of Pacific Coast Highway adjacent to Aliso Creek. The applicant shall comply with and implement the plans approved by the Executive Director.

COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceanside, Suite 1000
 Laguna Beach, CA 90802-4302
 (62) 590-5071

**EMERGENCY PERMIT**

DATE: JULY 20, 2000

EMERGENCY PERMIT: 5-00-272-G

APPLICANT: County of Orange

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

EMERGENCY WORK PROPOSED: Temporary diversion of creek flows to a nearby sewer outfall line which discharges 1.5 miles offshore. The project includes placement of a temporary sand berm in the creek bed and on the banks of Aliso Creek; placement of a pipe upstream of the proposed berm which will be used to siphon the creek water (using an electric pump) through an existing 200 foot long pipe which runs under the existing parking lot and connects to the adjacent existing sewage outfall line. Up to 3.23 million gallons per day of creek water will be collected and diverted offshore to begin immediately and end October 15, 2000.

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 that an unexpected occurrence in the form of the ponding of polluted water at Aliso Beach which 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 attached conditions.

COASTAL COMMISSION

Very Truly Yours,

Peter M. Douglas
 Executive Director

EXHIBIT # 3
 PAGE 1 OF 3

By: *Thomas N. La*

Title: Deputy Director

Emergency Coastal Development Permit

5-00-272-G

Page 2 of 3

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the permittee 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, 2000.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Development 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 permittee 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 to the Commission monitoring data required by the San Diego Regional Water Quality Control Board and the California Health & Safety Code (i.e. AB411) for the project period and for comparative periods when the project was not in place (e.g. 3 months before project implementation and 3 months after project implementation) for (1) the quantities and types of pollutants (both organic and heavy metals) being discharged from the outfall, (2) the quantities and types of pollutants (both organic and heavy metals) present in the waters of Aliso Creek, the surf zone and vicinity where Aliso Creek discharges to coastal waters, and in near shore waters, and (3) the effects of the project on the marine environment in the vicinity of the outfall and Aliso Creek County Beach, including beneficial/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 required in Special Condition 7.A. and 7.B. above, including any monitoring reports required by the San Diego Regional Water Quality Control Board for this development, to the Executive Director by November 30, 2000. The monitoring results shall be accompanied by an analysis prepared by an appropriately licensed professional which demonstrates if applicable water quality standards (e.g. in stream Basin Plan objectives for Aliso

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 3

Emergency Coastal Development Permit

5-00-272-G

Page 3 of 3

Creek and Ocean Plan standards) were met during the project period. The analysis shall indicate whether Aliso Creek County Beach was posted or closed (pursuant to the requirements of California Health & Safety Code) during the project period and whether the proposed project was operational during any postings or closures. The analysis shall contain a determination (including the basis on which the determination was made) of whether the proposed project reduced beach postings or closures during the project period. The analysis shall also contain a determination (including the basis on which the determination was made) of whether the proposed project had any beneficial/adverse impacts upon human health and marine life including any such impacts at the outfall, in near shore waters, in the surf zone or in Aliso Creek.

8. If the National Weather Service predicts a significant storm event that would occur prior to October 15, 2000, 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 as a result of the berm. 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, 2000. The development within Aliso Creek shall be removed in its entirety by October 15, 2000, and the development site restored to its previously existing state.

Condition number four (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 Development 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 office in Long Beach (562) 590-5071.

Enclosures: Acceptance Form
Coastal Permit Application Form

cc: City of Laguna Beach Planning Department (w/o enclosures)
Aliso Water Management Agency (w/o enclosures)

COASTAL COMMISSION

EXHIBIT # 3
PAGE 3 OF 3



**COUNTY OF ORANGE
HEALTH CARE AGENCY**

**HEALTH CARE REGULATORY SERVICES
ENVIRONMENTAL HEALTH**

MICHAEL SCHUMACHER, Ph.D.
DIRECTOR

MIKE SPURGEON
INTERIM DIRECTOR
HEALTH CARE REGULATORY SERVICES

JACK MILLER, REHS
DIRECTOR
ENVIRONMENTAL HEALTH

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

TELEPHONE: (714) 867-3600
FAX: (714) 972-0749

E-MAIL: environhealth@hca.co.orange.ca.us

November 30, 1999

Peter Douglas, Executive Director
California Coastal Commission, South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RE: Permit No. 5-83-959 - Aliso Creek Diversion Project

Dear Mr. Auyong:

Pursuant to Special Condition No. 3 for the Aliso Creek Diversion Project, the Orange County Health Care Agency/Environmental Health Division has reviewed the Aliso Creek Diversion Project offshore water quality monitoring data for the 1999 project period.

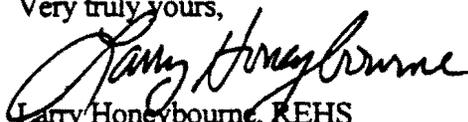
Total coliform, fecal coliform and enterococcus concentrations in Aliso Creek remain elevated and continue to impact ocean receiving waters at Aliso Beach. However, the bacteria levels in the creek waters are three to five orders of magnitude lower than the treated, undisinfected effluent discharged from the outfall that is currently in compliance with the Aliso Water Management Agency's (AWMA) NPDES permit requirements.

The diversion project operated for the period of October 1 - October 15, 1999. AWMA conducted offshore water quality monitoring on October 13, 1999. Offshore sampling locations, frequency and depths are specified in AWMA's permit.

The Health Care Agency has reviewed the offshore bacteriological water quality monitoring data for October 13, 1999. The bacteriological water quality in the offshore waters on this date near the outfall diffuser met applicable ocean water contact sports standards.

If you have any further questions, please feel free to call me at (714) 667-3750.

Very truly yours,


Larry Honeybourne, REHS
Program Chief
Water Quality Section
Environmental Health Division

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 8

Cc: Larry Paul, County of Orange, Harbors, Beaches and Parks
Michael Wellborn, County of Orange, Planning and Development Services Department
David Caretto, Aliso Water Management Agency
Michael Dunbar, South Coast Water District

ALISO WATER MANAGEMENT AGENCY OCEAN OUTFALL

9/12/99 TO 10/16/99

Date	AlisoCrk Q MGD	AlisoCrTSS mg/L	AlisoCrBOD mg/L	AlisoCr pH
09/12/99				
09/13/99				
09/14/99				
09/15/99				
09/16/99				
09/17/99				
09/18/99				
09/19/99				
09/20/99				
09/21/99				
09/22/99				
09/23/99	2.02	3.1	2.8	8.0
09/24/99	3.55			8.0
09/25/99	3.58			
09/26/99	3.03	11.6	3.5	8.0
09/27/99	0.00			
09/28/99	0.00			
09/29/99	0.00			
09/30/99	1.82	8.0	< 1	8.1
10/01/99	3.35			8.0
10/02/99	3.19			
10/03/99	3.35	1.5	< 1	
10/04/99	3.35	2.4	< 1	8.1
10/05/99	3.36	4.1	1.4	8.0
10/06/99	3.36	1.4	1.4	8.0
10/07/99	3.38	1.8	4.7	8.0
10/08/99	3.35			8.0
10/09/99	3.35			
10/10/99	3.35	2.4	1.4	
10/11/99	3.35	4.0	1.7	8.0
10/12/99	3.35	2.8	1.1	8.0
10/13/99	3.36	2.8	2.2	8.1
10/14/99	1.54			8.0
10/15/99				
10/16/99				
Average	2.87	3.8	1.7	8.0
Total	51.9	45.5	20.2	12.3
Minimum	0.00	1.4	0.0	8.0
Maximum	3.55	11.6	4.7	8.1

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 8

MRP 95-107 MONTHLY MONITORING REPORT

PAGE 15 OF 29

Aliso Water Management Agency

NPDES No. CA0107611

DISCHARGER: AWMA
REPORT FOR: August 1999
REPORT DUE: September 30, 1999
SAMPLE SOURCE: Receiving water, nearshore
EXACT SAMPLE POINTS: As specified in permit
SAMPLES COLLECTED BY: SERRA Lab
SAMPLES ANALYZED BY: SERRA Lab

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

SIGNED UNDER PENALTY OF PERJURY: Michael J. Gilman

Comments: Fog and sunny; high tide at 09:19.

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	08/10/99	4	6	2	08:29	0	0
N1	25'	08/10/99	<2	<2	<2		0	0
N1	50'	08/10/99	<2	<2	<2		0	0
N2	Surface	08/10/99	<2	<2	<2	08:24	0	0
N2	25'	08/10/99	<2	2	<2		0	0
N2	50'	08/10/99	2	<2	<2		0	0
N3	Surface	08/10/99	2	2	<2	08:19	0	0
N3	25'	08/10/99	<2	<2	<2		0	0
N3	50'	08/10/99	<2	<2	4		0	0
N4	Surface	08/10/99	12	4	2	08:13	0	0
N4	25'	08/10/99	<2	2	<2		0	0
N4	50'	08/10/99	<2	<2	<2		0	0
N5	Surface	08/10/99	10	4	2	08:10	0	0
N5	25'	08/10/99	4	4	<2		0	0
N5	50'	08/10/99	<2	<2	<2		0	0
N6	Surface	08/10/99	<2	2	<2	08:05	0	0
N6	25'	08/10/99	<2	2	<2		0	0
N6	50'	08/10/99	<2	2	<2		0	0
N7	Surface	08/10/99	<2	<2	<2	07:59	0	0
N7	25'	08/10/99	2	<2	<2		0	0
N7	50'	08/10/99	6	<2	2		0	0

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

COASTAL COMMISSION

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

EXHIBIT # 4
PAGE 3 OF 8

MRP 95-107 MONTHLY MONITORING REPORT

PAGE 16 OF 28

Aliso Water Management Agency

NPDES No. CA0107611

DISCHARGER: AWWMA

ORDER/RESOLUTION No. 95-107

REPORT FOR: September 1999

REPORT FREQUENCY: Monthly

REPORT DATE: October 30, 1999

SAMPLE SOURCE: Receiving water, nearshore

SAMPLING FREQUENCY: Monthly

EXACT SAMPLE POINTS: As specified in permit

TYPE OF SAMPLE: Grab

SAMPLES COLLECTED BY: SERRA Lab

SAMPLES ANALYZED BY: SERRA Lab

SIGNED UNDER PENALTY OF PERJURY:

Michael J. Wilson

Comments: Clear and cool; low tide at 06:39.

Sta No.	Sample Depth	Sample Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Enterococcus CFU/100ml	Sample Time	C. & Debris
N1	Surface	09/15/99	2	<2	<2	08:29	0 0
N1	25'	09/15/99	6	<2	2		0 0
N1	50'	09/15/99	12	6	6		0 0
N2	Surface	09/15/99	<2	<2	<2	08:24	0 0
N2	25'	09/15/99	6	2	<2		0 0
N2	50'	09/15/99	4	2	<2		0 0
N3	Surface	09/15/99	<2	<2	<2	08:19	0 0
N3	25'	09/15/99	6	<2	<2		0 0
N3	50'	09/15/99	<2	<2	<2		0 0
N4	Surface	09/15/99	2	<2	<2	08:13	0 0
N4	25'	09/15/99	<2	<2	1-0		0 0
N4	50'	09/15/99	<2	<2	<2		0 0
N5	Surface	09/15/99	22	2	4	08:10	0 0
N5	25'	09/15/99	<2	<2	13		0 0
N5	50'	09/15/99	2	<2	<2		0 0
N6	Surface	09/15/99	<2	<2	2	08:03	0 0
N6	25'	09/15/99	2	<2	6		0 0
N6	50'	09/15/99	<2	<2	10		0 0
N7	Surface	09/15/99	<2	<2	<2	07:59	0 0
N7	25'	09/15/99	<2	<2	50		0 0
N7	50'	09/15/99	<10	<10	<10		0 0

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

COASTAL COMMISSION

REQUIREMENTS: (1) Floating particulates and grease and oil shall not be visible. (2) The discharge of waste shall not cause perceptible or measurable discoloration of the ocean surface.

EXHIBIT # 4
PAGE 4 OF 8

MRP 95-107 MONTHLY MONITORING REPORT

PAGE 16 OF 27

Aliso Water Management Agency

NPDES No. CA0007611

DISCHARGER: AWMA

ORDER/RESOLUTION No. 95-107

REPORT FOR: October 1999

REPORT FREQUENCY: Monthly

REPORT DUE: September 30, 1999

SAMPLE SOURCE: Receiving water, nearshore

SAMPLING FREQUENCY: Monthly

EXACT SAMPLE POINTS: As specified in permit

TYPE OF SAMPLE: Grab

SAMPLES COLLECTED BY: SERRA Lab

SAMPLES ANALYZED BY: SERRA Lab

SIGNED UNDER PENALTY OF PERJURY: _____

Comments: Clear low tide at 05:21. N3 mid-depth bottle lost during sampling

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	10/13/99	2	<2	<2	05:01		0
N1	25'	10/13/99	<2	<2	<2			0
N1	50'	10/13/99	<2	2	<2			0
N2	Surface	10/13/99	4	<2	<2	08:56		0
N2	25'	10/13/99	4	<2	<2			0
N2	50'	10/13/99	6	2	<2			0
N3	Surface	10/13/99	<2	<2	<2	08:51		0
N3	25'	10/13/99	N/S	N/S	N/S			0
N3	50'	10/13/99	2	<2	<2			0
N4	Surface	10/13/99	2	<2	<2	08:46		0
N4	25'	10/13/99	10	<2	<2			0
N4	50'	10/13/99	8	2	<2			0
N5	Surface	10/13/99	6	<2	<2	08:41		0
N5	25'	10/13/99	<2	<2	<2			0
N5	50'	10/13/99	4	6	<2			0
N6	Surface	10/13/99	4	<2	<2	08:37		0
N6	25'	10/13/99	2	2	<2			0
N6	50'	10/13/99	74	25	<2			0
N7	Surface	10/13/99	6	2	18	08:30		0
N7	25'	10/13/99	2	2	<2			0
N7	50'	10/13/99	16	<2	<2			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 wastewater shall not cause aesthetically unacceptable discoloration of the ocean surface.

COASTAL COMMISSION

EXHIBIT # 4
 PAGE 5 OF 8

MRP 95-107 MONTHLY MONITORING REPORT

Aliso Water Management Agency

NPDES No. CA0107611

DISCHARGER: AWWMA

ORDER/RESOLUTION No. 95-107

REPORT FOR: October 1998

REPORT FREQUENCY: Monthly

REPORT DUE: November 30, 1998

SAMPLE SOURCE: Receiving water, nearshore

SAMPLING FREQUENCY: Monthly

EXACT SAMPLE POINTS: As specified in permit

TYPE OF SAMPLE: Grab

SAMPLES COLLECTED BY: SERRA Lab

SAMPLES ANALYZED BY: SERRA Lab

SIGNED UNDER PENALTY OF PERJURY: Michael J. McLean

Comments: Wind, scattered clouds; low tide at 06:41

Sta No.	Sample Depth	Sample Date	Total Coliform CFU/100ml	Fecal Coliform CFU/100ml	Entero-coccus CFU/100ml	Sample Time	Oil & Grease	Sewage Dcbris
N1	Surface	10/27/98	6	2	<2	08:44	0	0
N1	25'	10/27/98	8	2	4		0	0
N1	50'	10/27/98	8	2	<2		0	0
N2	Surface	10/27/98	2	1	<2	08:40	0	0
N2	25'	10/27/98	<2	1	<2		0	0
N2	50'	10/27/98	8	<2	4		0	0
N3	Surface	10/27/98	2	1	<2	08:34	0	0
N3	25'	10/27/98	4	<2	<2		0	0
N3	50'	10/27/98	<2	2	<2		0	0
N4	Surface	10/27/98	2	<2	<2	08:29	0	0
N4	25'	10/27/98	<2	<2	<2		0	0
N4	50'	10/27/98	10	1	<2		0	0
N5	Surface	10/27/98	4	1	<2	08:22	0	0
N5	25'	10/27/98	2	<2	<2		0	0
N5	50'	10/27/98	0	0	<2		0	0
N6	Surface	10/27/98	<2	<2	<2	08:14	0	0
N6	25'	10/27/98	<2	<2	<2		0	0
N6	50'	10/27/98	<2	<2	<2		0	0
N7	Surface	10/27/98	<2	1	<2	08:10	0	0
N7	25'	10/27/98	<2	1	<2		0	0
N7	50'	10/27/98	<2	1	<2		0	0

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

COASTAL COMMISSION

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

EXHIBIT # 4
PAGE 6 OF 8

11/1/99 8:49:19 AM

Aliso Creek Data
ALISO WATER MANAGEMENT AGENCY OCEAN OUTFALL
9/23/99 TO 10/31/99

Page 1

Date	AlisoCrk Q MGD	AlisoCrTSS mg/L	AlisoCcBOD mg/L	AlisoCr pH
9/23/99	2.02	3.1	2.8	8.0
9/24/99	3.36			8.0
9/25/99	3.36			
9/26/99	3.00	11.6	3.5	8.0
9/27/99	0.00			
9/28/99	0.00			
9/29/99	0.00			
9/30/99	1.82	8.0	<1	8.1
10/1/99	3.36			8.0
10/2/99	3.36			
10/3/99	3.36	1.5	<1	
10/4/99	3.36	2.4	<1	8.1
10/5/99	3.36	4.1	1.4	8.0
10/6/99	3.36	1.4	1.4	8.0
10/7/99	3.36	1.8	4.7	8.0
10/8/99	3.36			8.0
10/9/99	3.36			
10/10/99	3.36	2.4	1.4	
10/11/99	3.36	4.0	1.7	8.0
10/12/99	3.36	2.6	1.1	8.0
10/13/99	3.36	2.6	2.2	8.1
10/14/99	1.54			8.0
10/15/99				
10/16/99				
10/17/99				
10/18/99				
10/19/99				
10/20/99				
10/21/99				
10/22/99				
10/23/99				
10/24/99				
10/25/99				
10/26/99				
10/27/99				
10/28/99				
10/29/99				
10/30/99				
10/31/99				
Average	2.67	3.8	1.7	8.0
Total	58.78	45.5	20.2	112.3
Minimum	0.00	1.4	0.0	8.0
Maximum	3.36	11.6	4.7	8.1

COASTAL COMMISSION

EXHIBIT # 4
PAGE 7 OF 8

Total Coliform (TC), Fecal Coliform (FC), Enterococcus (ENT) Colony Forming Units / 100 ml Sample

STATION	Location Description		#####	#####	#####	#####	#####	#####	#####	#####	#####
LAGUNA BEACH (surfzone)									4-27 9-56	10-4 10-7	10-8 10-9
OLB16 / S16	Laguna Hotel	TC	78	52	20	12	8	80	260	34	10
		FC	24	44	3	8	14	2	30	8	2
		ENT	8	20	<2	10	4	16	30	4	
OLB15 / S15	Projection of Mountain Road	TC	28	8	<2	6	230	74	<10	32	150
	9/1/99 - Station changed to	FC	22	2	<2	4	12	3	<10	2	86
	Projection of Bluebird Canyon	ENT	16	4	<2	2	22	8	<10	<2	20
OLB14 / S14	Victoria Beach	TC	6	6	2	2	40	6	<10	4	36
		FC	<2	4	<2	<2	12	<2	<10	<2	22
		ENT	2	8	2	<2	18	4	<10	62	16
OLB13 / S13	Blue Lagoon	TC	<2	8	<2	4	14	2	<2	6	12
		FC	4	4	2	4	6	2	<2	<2	10
		ENT	2	2	<2	2	10	36	4	2	<2
ALISO BEACH (surfzone)											
OSL12 / S12	Treasure Island Pier	TC	20	10	2	4	110	6	2	4	6
		FC	24	<2	<2	4	82	<2	<2	2	<2
		ENT	<2	4	<2	<2	12	58	<2	2	<2
OSL11 / S11	Treasure Island Sign	TC	8	12	4	6	30	<2	<2	26	6
		FC	4	6	<2	14	4	2	<2	14	6
		ENT	4	4	8	8	74	<2	<2	6	<2
OSL10 / S10	Aliso-North	TC	4	720	80	10	14	2	<2	10	12
		FC	2	250	<10	10	<2	<2	2	10	2
		ENT	2	770	<10	<10	58	<2	<2	10	22
OSL09 / S09	Aliso-Middle	TC	10	220	<10	20	20	20	10	<10	30
		FC	<10	110	<10	<10	10	20	10	10	<10
		ENT	10	240	<10	<10	<10	2	20	20	170
OSL08 / S08	Aliso-South	TC	14	8	4	<2	100	2	2	<10	6
		FC	8	<2	<2	<2	100	2	4	<10	
		ENT	110	4	<2	2	20	<2	<2	<10	4
OSL07 / S07	Camel Point	TC	2	4	4	<2	90	8	56	<2	2
		FC	<2	2	4	<2	72	10	4	<2	4
		ENT	<2	4	<2	<2	30	4	6	24	<2
OSL06 / S06	Table Rock	TC	10	2	6	2	6	8	14	<2	2
		FC	<2	2	4	<2	4	14	8	4	<2
		ENT	4	<2	<2	<2	30	<2	16	<2	<2
OSL05 / S05	Laguna Lido Apt.	TC	8	18	<2	<2	40	4	2	2	4
		FC	2	4	<2	<2	42	2	2	2	4
		ENT	10	12	<2	<2	44	6	<2	<2	4
OSL04 / S04	9th St. 1000 Steps Beach	TC	42	10	6	<2	36	2	10	<2	12
		FC	<2	8	<2	<2	24	<2	<10	<2	4
		ENT	6	14	<2	<2	68	280	<10	4	20
OSL03 / S03	Three Arch Bay	TC	8	6	<2	2	92	260	10	8	20
		FC	<2	<2	<2	<2	14	250	<10	2	2
		ENT	2	40	<2	4	48	40	<10	<2	<2
ALISO CREEK											
CABAC / C1	Aliso Creek Mouth	TC	5300	8100	2300	250	3000	NS	1300	670	NS
		FC	470	4400	300	50	2500	NS	54	130	NS
		ENT	1300	4800	450	27	160	NS	100	180	NS
DANA POINT (surfzone)											
OSL02 / S02	Salt Creek Beach	TC	260	220	12	110	110	COASTAL COMMISSION			10
		FC	28	12	<2	4	17	40	<10	<2	2
		ENT	40	22	5	6	40	<10	<10	2	
ODP01 / S01	Marine Institute Beach	TC	24	38	6	6	2	2	<2	<2	22
	9/1/99 station changed to	FC	8	2	6	2	2	2	<2	<2	8

B. DISCHARGE SPECIFICATIONS

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

a. Effluent Limitations For Major Constituents and Properties of Wastewater

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

COASTAL COMMISSION

- RWQCB order 95-107
EFFLUENT LIMITS

EXHIBIT # 5
PAGE 1 OF 11

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 ^e	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 ^c	TUc	---	300	---
phenolic compounds ^c (non-chlorinated)	mg/l lb/day	7.8 1,800	31 7,000	78 18,000

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 11

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.			

COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 11

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

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 11

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 11

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
chlor dane ^{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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 6 OF 11

Constituent/ Property	Units	Monthly Average (30-day)
dichloromethane ^c	mg/l lb/day	120 27,000
1,3-dichloropropene ^c	mg/l lb/day	2.3 520
dieldrin ^c	ng/l lb/day	10 0.0023
2,4-dinitrotoluene ^c	ug/l lb/day	680 150
1,2-diphenylhydrazine ^c	ug/l lb/day	42 9.5
halomethanes ^{c,6}	mg/l lb/day	34 7,700
heptachlor ^{c,7}	ng/l lb/day	190 0.043
hexachlorobenzene ^c	ng/l lb/day	55 0.012
hexachlorobutadiene ^c	mg/l lb/day	3.7 830
hexachloroethane ^c	ug/l lb/day	650 150
N-nitrosodimethylamine ^c	mg/l lb/day	1.9 430
N-nitrosodiphenylamine ^c	ug/l lb/day	650 150
PAHs ^{c,8}	ug/l lb/day	2.3 0.52
PCBs ^{c,9}	ng/l lb/day	5.0 0.0011
TCDD equivalents ^{c,10}	pg/l lb/day	1.0 0.0000023

COASTAL COMMISSION

EXHIBIT #

5

PAGE 7 OF 11

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

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

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 8 OF 11

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.)

- f. 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:

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

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

where:

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

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

COASTAL COMMISSION

EXHIBIT # 5
 PAGE 9 OF 11

6. Waste discharged through the AWMA Ocean Outfall shall be discharged in a manner which provides sufficient initial dilution to minimize the concentrations of substances not removed in treatment.
7. Location of waste discharges must be determined after a detailed assessment of the oceanographic characteristics and current patterns to assure that:
 - a. Pathogenic organisms and viruses are not present in areas where shellfish are harvested for human consumption or in areas used for swimming or other body-contact sports.
 - b. Natural water quality conditions are not altered in areas designated as being of special biological significance or areas that existing marine laboratories use as a source of seawater.
 - c. Maximum protection is provided to the marine environment.

Waste that contains pathogenic organisms or viruses should be discharged a sufficient distance from shellfishing and water-contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures that do not increase effluent toxicity and that constitute the least environmental and human hazard should be used.

8. All waste treatment, containment and disposal facilities shall be protected against 100-year peak stream flows as defined by the Orange County flood control agency.
9. All waste treatment, containment and disposal facilities shall be protected against erosion, overland runoff and other impacts resulting from a 100-year frequency 24-hour storm.
10. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Regional Board Executive Officer (hereinafter Executive Officer).

COASTAL COMMISSION

EXHIBIT # 5
PAGE 10 OF 11

C. RECEIVING WATER LIMITATIONS

1. The discharge of waste through the AWMA Ocean Outfall shall not, by itself or jointly with any other discharge, cause violation of the following Ocean Plan ocean water quality objectives. Compliance with the water quality objectives shall be determined from samples collected at stations representative of the area within the waste field where initial dilution is completed.

a. Bacterial Characteristics

(1) Water-Contact Standards

Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water-contact sports, as determined by the Regional Board, but including all kelp beds, the following bacterial objectives shall be maintained throughout the water column:

- (a) Samples of water from each sampling station shall have a density of total 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 (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).
- (b) The fecal coliform density based on a minimum of not less than five samples for any 30-day period, shall not exceed a geometric mean of 200 per 100 ml nor shall more than 10 percent of the total samples during any 60-day period exceed 400 per 100 ml.

The "Initial Dilution Zone" of wastewater outfalls shall be excluded from designation as kelp beds for purposes of bacterial standards. Adventitious assemblages of kelp plants on waste discharge structures (e.g., outfall pipes and diffusers) do not constitute kelp beds for purposes of bacterial standards. Kelp beds, for the purpose of the bacterial standards of this Order, are significant aggregations of marine algae of the genera Macrocystis and Nereocystis. Kelp beds include the total foliage canopy of Macrocystis and Nereocystis plants throughout the water column.

AWMA BACTERIOLOGICAL MONITORING PROGRAM
Total Coliform (TC), Fecal Coliform (FC), Enterococcus (ENT)
Surfzone Stations - Monitoring data for 1999
Colony Forming Units/100ml Sample

Diversion of nuisance flow in Aliso Creek occurred from: October 1-15, 1999

Location	Date	9/27-9/30	10/4-10/7	between 10/7 & 10/18	10/18-10/19
S9-Surf at Outfall	TC	20	10	<10	30
	FC	20	10	10	<10
	ENT	2	20	20	170
North of Outfall					
S10- Surf Zone	TC	2	<2	10	12
	FC	<2	2	10	2
	ENT	<2	<2	10	22
S11- Surf Zone	TC	<2	<2	26	6
	FC	2	<2	14	6
	ENT	<2	<2	6	<2
S12 - Treasure Island Pier	TC	6	2	4	6
	FC	<2	<2	2	<2
	ENT	58	<2	2	<2
South of Outfall					
S8 - Surf Zone	TC	2	2	<10	6
	FC	2	4	<10	<2
	ENT	<2	<2	<10	4
S7-Camel Point	TC	8	56	<2	2
	FC	10	4	<2	4
	ENT	4	6	24	<2

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1

1999-2000
POSTING LOG FOR AB411

DATE POSTED	AREA POSTED	DATE UNPOSTED	BACTERIAL VALUES		
			TC	FC/EC	ENT
07/28/1999	Doheny Beach - 250' U/C to 1000' D/C SJC (Ck. Release)	07/30/1999	-	-	-
07/29/1999	Newport Bay - 38th Street Beach	07/30/1999	80	712	<10
	Newport Bay - 43rd Street Beach	9/22/99 Long Term	500	>24192	31
	Dana Point Harbor - Baby Beach (Buoy Line)	07/30/1999	300	256	175
	Dana Point Harbor - Baby Beach (West End)	07/30/1999	1100	408	173
	Doheny Beach - North Beach	07/30/1999	20	959	20
	Huntington Harbour - Mother's Beach	08/03/1999	20	419	134
07/30/1999	Newport Beach - 52nd-53rd Street (OCSD 6S)	07/30/1999	1700	1700	176
	Doheny Beach - North Beach	08/06/1999	20	959	20
08/03/1999	Seal Beach - 8th Street	08/05/1999	3000	3873	85
08/04/1999	Dana Point Harbor - Baby Beach (Swim Area)	08/06/1999	500	573	20
08/05/1999	Newport Bay - Abalone Avenue (South Bayfront)	08/07/1999	800	801	74
	Newport Bay - Bayshore Beach	08/07/1999	<20	31	185
	Newport Bay - Newport Dunes (North Beach)	08/07/1999	300	1631	10
08/09/1999	Bolsa Chica State Beach - SLGT #18 (OCSD 33N)	08/12/1999	500	300	128
08/10/1999	Salt Creek Beach - D/C of Salt Creek	08/12/1999	3000	146	158
	Doheny Beach - North Beach	08/12/1999	40	1134	31
	Dana Point Harbor - Baby Beach (East End)	08/12/1999	500	601	52
08/11/1999	Newport Bay - Newport Dunes (North Beach)(Ck. Release)	08/13/1999	-	-	-
08/12/1999	South Laguna - Three Arch Bay (AWMA S3)	08/13/1999	96	<2	110
08/13/1999	Seal Beach - 1st Street	08/15/1999	2400	1785	<10
08/17/1999	Newport Bay - Newport Dunes (North Beach)	08/24/1999	230	441	10
08/18/1999	Salt Creek Beach - D/C of Salt Creek	08/20/1999	1700	63	173
08/24/1999	Bolsa Chica State Beach - SLGT #23 (OCSD 39N)	08/26/1999	500	500	142
08/26/1999	Dana Point Harbor - Baby Beach (All) (West End)	08/28/1999	170	259	160
	Dana Point Harbor - Baby Beach (Swim Area)	-	230	882	10
08/27/1999	Doheny Beach - 300' U/C to 1500' D/C SJC (Ck. Release)	09/01/1999	-	-	-
08/31/1999	Bolsa Chica State Beach - SLGT#23 (OCSD 39N)	09/01/1999	230	230	112
09/01/1999	Doheny Beach - South End of Campground (SERRA S5)	09/03/1999	10	20	110
	Newport Bay - 19th Street Beach	09/03/1999	80	209	110
09/02/1999	Doheny Beach - 300' U/C to 1500' D/C SJC (Ck. Release)	09/04/1999	-	-	-
	Dana Point Harbor - Baby Beach (West End)	09/04/1999	1300	1722	41
09/04/1999	Huntington State Beach - SLGT #15 (OCSD 11N)	09/04/1999	300	594	<10
09/06/1999	Huntington State Beach - SLGT #6 (OCSD 4N)	09/07/1999	9000	17328	168
09/07/1999	Huntington State/City Beach - SAR to CLGT #11 (3N)	*10/7/99	5000	340	215
	*9/17/99 - unposted CLGT #11-CLGT #15 (4N)	-	LA	LA	358
	*10/6/99 - unposted CLGT #15-SLGT #10 (5N)	-	LA	LA	128
	*10/7/99 - unposted SLGT #10-SAR (7N)	-	170	170	118
	(8N)	-	300	80	104
	(10N)	-	300	110	120
	(11N)	-	300	170	216
09/08/1999	Doheny Beach - 300' U/C to 1000' D/C SJC (Ck. Release)	09/10/1999	-	-	-
09/09/1999	Doheny Beach - End of day use area (SERRA S7)	09/10/1999	3700	3000	>2000
	Poche Beach - U/C of Poche Creek (SERRA S15)	09/10/1999	460	110	110
	Doheny Beach - 300' U/C to 1500' D/C SJC (Ck. Release)	09/10/1999	-	-	-
09/10/1999	Huntington City Beach - CLGT #9 (OCSD 15N)	09/11/1999	130	197	2098
	Huntington City Beach - 150' D/C CLGT #1-CLGT #6 (15N)	09/11/1999	<20	40	512
	(18N)	-	<20	<10	113
	(19N)	-	<20	20	1585
09/12/1999	Huntington City Beach - CLGT #11 - Pier (increase) (16N)	09/15/1999	20	20	>400
09/14/1999	Newport Bay - 19th Street Beach	09/17/1999	800	1187	573
09/15/1999	Huntington City Beach - CLGT #1	09/16/1999	<20	<10	158
	Doheny Beach - 250' U/C to 1000' D/C SJC (Ck. Release)	09/17/1999	-	-	-
09/16/1999	Doheny Beach - SLGT #7 (SERRA S5)	10/07/1999	50	50	130
	Dana Point Harbor - Baby Beach (Swim Area)	09/19/1999	130	408	10
(needles)	Huntington State/City Beach - Magnolia to U/C of Pier	09/17/1999	-	-	-
09/22/1999	Dana Point Harbor - Baby Beach (Buoy Line)	09/28/1999	300	959	31
09/23/1999	Newport Bay - 38th Street Beach	10/27/1999	20	594	<10
09/24/1999	Aliso Beach - Camel Point to 300' U/C (AWMA S8)	09/30/1999	14	8	110
	Doheny Beach - SLGT #9 to 300' D/C (SERRA S1)	10/07/1999	10	10	30
	Doheny Beach - SLGT #6 (SERRA S3)	10/07/1999	80	80	400
09/27/1999	Poche Beach - U/C of Poche Creek (SERRA S15)	09/28/1999	780	170	170
	Aliso Beach-1000' U/C to 1000' D/C of Creek (Ck.Release)	*10/7/99	-	-	-
	*9/30/99 - reduced posting to 1000' U/C	-	-	-	-
	Huntington City Beach - CLGT # 1 (OCSD 18N)	09/28/1999	300	74	135
09/28/1999	Doheny Beach - 250' U/C to 1000' D/C SJC (Ck. Release)	*10/7/99	-	-	-
	*9/30/99 - extended posting to 3500' D/C (see 9/24/99)	-	-	-	-
	*10/1/99 - reduced D/C 500'	-	-	-	-

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 5

1999-2000
POSTING LOG FOR AB411

DATE POSTED	AREA POSTED	DATE UNPOSTED	BACTERIAL VALUES		
			TC	FC/EC	ENT
	Laguna Beach - Main Beach at Broadway Creek	09/30/1999	230	52	134
	Monarch Beach - 300' U/C of Salt Creek	09/30/1999	230	41	109
09/29/1999	Newport Bay - Sapphire Avenue	10/01/1999	40	3078	413
10/01/1999	Poche Beach - 300' U/C to 100' D/C of Poche Creek	10/07/1999	700	120	120
10/07/1999	Doheny Beach - 150' U/C SLGT #7 to 150'D/C SLGT #6	*10/8/99(S5)	1100	670	960
	(SERRA S5 & S7) *all Doheny posted	- (S7)	780	670	960
10/08/1999	Doheny Beach - San Juan Creek to Poche Creek	*10/14/99(S1)	160	80	300
	*10/9/99 -reopened San Juan Ck to end of campground	- (S3)	440	330	670
	*10/14/99-reopened end of campground to end of park	- (S9)	260	270	530
	*10/14/99-reopened Poche	- (S11)	390	130	330
		- (S13)	350	230	200
10/10/1999	Bolsa Chica State Beach - SLGT #23 (OCSD 39N)	10/13/1999	1100	1100	>400
10/13/1999	Laguna Beach - 1000 Steps Beach (AWMA S4)	10/14/1999	2	<2	280
10/14/1999	Dana Point Harbor - Baby Beach (Buoy Line)	see 10/27/99	80	789	189
	Doheny Beach - 250' U/C to 1000' D/C SJC (Ck. Release)	see 10/15/99	-	-	-
10/15/1999	Huntington State Beach - SLGT #2 (OCSD 1N)	10/16/1999	130	130	146
	Newport Bay - 19th Street Beach	10/21/1999	700	135	145
	Newport Bay - Bayshore Beach	10/21/1999	1300	644	391
	Dana Point Harbor -Baby Beach (Swim Area)	see 10/27/99	500	520	98
	Doheny Beach - 1000' - 3000' D/C of San Juan Creek	see 10/29/9(S1)	150	120	270
	*10/18/99 - 250' U/C - 1000' D/C SJC closed (sewage)	see 10/22/99(S3)	90	70	160
	Creek Release	- (S9)	150	140	270
10/21/1999	Seal Beach - 1st Street	11/10/1999	20	784	31
10/22/1999	Newport Beach - 52nd-53rd Street (OCSD 6S)	10/24/1999	20	20	150
	Aliso Beach - Aliso Creek to 300' D/C (AWMA S9)	see 10/28/99	30	<10	170
	Doheny Beach - 250' U/C to 1000' D/C San Juan Creek	see 11/15/99(S0)	160	110	250
10/24/1999	Huntington State Beach - SLGT #6 (OCSD 4N)	10/26/1999	500	500	240
10/26/1999	Huntington State Beach - SLGT #4 (OCSD 3N)	see 10/27/99	40	62	121
	Newport Bay - Gamet Avenue	10/28/1999	<20	52	211
10/27/1999	Huntington State Beach (OCSD 1N - 4N)	(1N) *10/28/99	230	230	>400
	*4N unposted 11/3/99	(2N) -	500	500	>400
		(3N) -	500	500	>400
		(4N) -	130	8	>400
	Newport Beach - Little Corona	10/30/1999	500	933	74
	Newport Beach - Corona Del Mar Beach (OCSD 29S)	10/29/1999	130	80	106
	Dana Point Harbor - Baby Beach (All)	11/18/99 Long Term	-	-	-
10/28/1999	Aliso Beach - 300' D/C Creek to Camel Point (SERRA S8)	10/29/1999	190	120	170
10/29/1999	Huntington State Beach-1N-3N (4N posted-see 10/27) (1N)	11/03/1999	300	300	270
		(3N) -	300	300	>400
	Huntington Harbour - Mother's Beach	11/02/1999	500	341	223
	Doheny Beach - add 500' U/C SJC to 250' U/C SJC	10/30/1999	30	70	110
	Doheny Beach - add 3000' to 4000' D/C SJC (SERRA S5)	1/3/00 Long Term	310	420	456
		SE/3/00 Long Term	70	40	140
	San Clemente - North Beach @ Ave. Pico (SERRA S17)	11/03/1999	360	110	1100
11/01/1999	Surfside-Sunset Beach - breakwater to 24th St. (Dredging)	11/10/1999	20	20	221
	Newport Bay - Newport Dunes (North Beach)	11/23/1999	500	145	228
11/03/1999	Capistrano Beach - Poche Beach (SERRA S15)	11/05/1999	900	130	120
11/04/1999	Huntington Harbour - Mother's Beach	*11/30/99	130	272	185
	*changed from posting to closure due to sewage spill	-	-	-	-
	Huntington Harbour - Trinidad Beach	11/07/1999	2400	31	833
11/07/1999	Newport Beach - Balboa Pier (OCSD 21S)	11/09/1999	300	300	184
11/08/1999	Rain Advisory - All Coastline	11/12/1999	-	-	-
11/09/1999	Newport Beach - Corona Del Mar Beach (OCSD 29S)	11/11/1999	110	40	150
11/15/1999	(Doheny Beach - 250' U/C to 1000' D/C SJC - Closed)	see 11/21/99	-	-	-
	(1000' D/C SJC to end of Park still posted)	-	-	-	-
11/18/1999	Laguna Beach - So. End of Main Beach (AWMA S16)	11/18/1999	41	8	360
	Laguna Beach - No. End of Victoria Beach (AWMA S14)	11/18/1999	18	2	120
	Laguna Beach - Treasure Island Pier (AWMA S12)	11/18/1999	18	2	220
	Laguna Beach - 1000 Steps Beach (AWMA S4)	11/18/1999	20	8	>400
11/17/1999	San Clemente State Beach - Ave. Calafia (SERRA S21)	11/18/1999	Cw/c	320	>400
	Doheny Beach - North Beach	11/20/1999	300	223	397
11/18/1999	Salt Creek Beach - So. End Ritz Cove (AWMA S2)	11/21/1999	1300	66	130
11/21/1999	Doheny Beach - North Beach	1/3/00 Long Term	80	185	231
	Doheny Beach-250' U/C to 1000' D/C SJC(Posting from SS)	1/3/00 Long Term	-	-	-
11/23/1999	Laguna Beach - No. End of Victoria Beach (AWMA S14)	11/27/1999	27	10	100
	Laguna Beach - Bluebird Canyon (AWMA S15)	11/27/1999	410	80	170
	Newport Beach - 15th-18th Street (OCSD 15S)	11/25/1999	230	230	368
	Newport Bay - Newport Dunes (East Beach)	11/25/1999	130	97	110
	Newport Bay - Newport Dunes (West Beach)	11/25/1999	1300	586	495

10
↓
Puermin

←

COASTAL COMMISSION

EXHIBIT # 7
PAGE 2 OF 5

1999-2000
POSTING LOG FOR AB411

DATE POSTED	AREA POSTED	DATE UNPOSTED	BACTERIAL VALUES		
			TC	FC/EC	ENT
	Newport Bay - 10th Street Beach	11/25/1999	5000	4611	884
	Newport Bay - 19th Street Beach	11/25/1999	1300	2851	1223
	Newport Bay - 38th Street Beach	11/25/1999	500	142	228
	Newport Bay - V ia Genoa	11/25/1999	40	31	155
	Newport Bay - N Street Beach	11/25/1999	800	563	74
11/24/1999	Aliso Beach - 300' D/C Creek to Camel Point (SERRA S8)	11/27/1999	Cw/c	160	160
	Doheny Beach - Mid North Beach (SERRA S2)	1/3/00 Long Term	120	80	1900
	San Clemente State Beach - Ave. Calafia (SERRA S21)	11/27/1999	780	500	610
	Laguna Beach - Emerald Bay	11/27/1999	<20	10	156
11/26/1999	Huntington City Beach - Dog Beach (OCSD 27N)	12/04/1999	800	800	16
12/01/1999	Capistrano Beach-150' U/C-150' D/C Poche (Ck.release)	12/08/1999	-	-	-
	Laguna Beach - Crescent Bay	12/03/1999	110	20	169
12/02/1999	Seal Beach - 8th Street	12/04/1999	>16000	130	393
12/08/1999	Laguna Beach - So. End Main Beach (AWMA S16)	12/10/1999	160	90	190
12/09/1999	Capistrano Beach - Guard Shack (SERRA S9)	12/15/1999	350	170	420
	Capistrano Beach - Mid (SERRA S11)	12/15/1999	190	90	320
	Capistrano Beach - End (SERRA S13)	12/15/1999	80	80	170
	Huntington Harbour - Coral Cay	12/13/1999	3000	4352	1223
	Huntington State Beach - SAR to 200' U/C (OCSD 0)	12/13/1999	40	41	158
	Huntington State Beach - SLGT #3 (OCSD 2N)	12/13/1999	520	368	990
12/18/1999	Huntington State Beach - SLGT #7 (OCSD 5N)	12/20/1999	40	20	110
12/20/1999	Huntington City Beach - Bluffs (OCSD #27N)	12/21/1999	<20	<20	122
	Huntington City Beach - 17th Street (OCSD #21N)	12/21/1999	80	80	168
	Huntington State Beach - SLGT #2 (OCSD 1N)	12/24/1999	70	70	166
	Huntington State Beach - SLGT #3 (OCSD 2N)	12/24/1999	170	170	298
	Huntington State Beach - SLGT #4 (OCSD 3N)	12/24/1999	130	130	212
	Newport Beach - 15th-16th Street (OCSD 15S)	12/21/1999	130	130	180
12/21/1999	Laguna Beach - So. End of Main Beach (AWMA S16)	12/22/2009	190	86	150
	Laguna Beach - So. End of Victoria Beach (AWMA S13)	12/24/1999	130	110	110
	Capistrano Beach - Guard Shack (SERRA S9)	12/24/1999	90	66	120
12/22/1999	Laguna Beach - No. End of Victoria Beach (AWMA S14)	12/24/1999	130	110	110
	Laguna Beach - Bluebird Canyon (AWMA S15)	12/24/1999	110	100	130
	Dana Point - Dana Strand (AWMA S1)	12/24/1999	Cw/c	>400	120
12/23/1999	Aliso Beach - Camel Point to 300' upcoast (AWMA S8)	12/28/1999	42	34	120
	Huntington Harbour - 11th Street Beach	12/29/1999	220	4396	1153
12/28/1999	Newport Bay - Harbor Patrol Beach	12/30/1999	230	857	354
12/30/1999	Huntington State Beach - SAR to 300' U/C (OCSD 0)	01/04/2000	<20	<20	180
01/04/2000	Aliso Beach - Aliso Creek to 300' downcoast (AWMA S9)	01/05/2000	6200	440	960
	Laguna Beach - No. End of Victoria Beach (AWMA S14)	01/05/2000	100	40	430
01/05/2000	San Clemente - North Beach @ Pico Avenue (SERRA 17)	01/06/2000	390	540	330
	Newport Bay - Sapphire Avenue	01/07/2000	20	10	121
	Seal Beach - 1st Street (SGR to Neptune Ave. posted)	01/07/2000	1300	52	388
	Seal Beach - 8th Street	"	500	51	491
	Seal Beach - 14st Street	"	40	<10	134
01/07/2000	Newport Beach - Balboa Pier (OCSD 21S)	01/10/2000	80	20	300
01/11/2000	Newport Bay - Newport Dunes (West Beach)	01/13/2000	40	41	122
01/18/2000	Huntington State Beach - Brookhurst Street (OCSD 3N)	01/21/2000	200	140	208
	Newport Beach - Orange Avenue (OCSD 3S)	01/19/2000	170	170	110
01/19/2000	Huntington City Beach - Jack's Snack Bar (OCSD 21N)	01/21/2000	40	40	112
	Newport Beach - 15th - 16th Street (OCSD15S)	01/21/2000	110	80	230
	Newport Bay - Newport Dunes (Middle Beach)	01/21/2000	130	97	1092
	Newport Bay - Newport Dunes (North Beach)	01/21/2000	500	496	31
	Laguna Beach - So. End of Main Beach (AWMA S16)	01/21/2000	400	330	1500
	Laguna Beach - Bluebird Canyon (AWMA S15)	01/21/2000	890	120	140
	Laguna Beach - No. End of Victoria Beach (AWMA S14)	01/21/2000	130	110	220
	Laguna Beach - So. End of Victoria Beach (AWMA S13)	01/21/2000	200	200	260
	Aliso Beach - 300' to 600' So. Of Aliso Creek (AWMA 8.5)	01/21/2000	70	80	130
01/20/2000	Huntington Harbour - Trinidad Beach	01/22/2000	1300	985	63
	Huntington Harbour - Coral Cay Beach	01/22/2000	170	345	10
	Laguna Beach - Aliso Creek to 300' D/C (AWMA S9)	01/22/2000	20	40	150
	Capistrano Beach - 7500' D/C Outfall @ Capo. (SERRA S1)	01/22/2000	90	70	350
	Capistrano Beach - 10000' D/C Outfall @ Capo. (SERRA S 3)	01/22/2000	70	20	130
	Capistrano Beach - Poche Beach (SERRA S15)	01/21/2000	<100	400	80
	San Clemente - North Beach @ Pico Avenue (SERRA 17)	01/21/2000	360	380	250
01/22/2000	Laguna Beach - North Main Beach	01/24/2000	80	52	171
	Dana Point - Salt Creek to 300' D/C of Salt Creek	01/24/2000	220	108	110
01/25/2000	Beach Advisory - All Coastline	02/02/2000	-	-	-

COASTAL COMMISSION

EXHIBIT # 7
PAGE 3 OF 5

1999-2000
POSTING LOG FOR AB411

DATE POSTED	AREA POSTED	DATE UNPOSTED	BACTERIAL VALUES		
			TC	FC/EC	ENT
02/09/2000	Capistrano Beach - Guardshack (SERRA S9)	03/18/2000	340	550	900
	Capistrano Bay District (SERRA S11)	02/10/2000	480	400	430
	Poche Beach (SERRA S15)	02/10/2000	170	180	240
02/10/2000	Beach Advisory - All Coastline	02/02/2000	-	-	-
02/17/2000	Beach Advisory - All Coastline	02/27/2000	-	-	-
02/28/2000	Beach Advisory - All Coastline	03/13/2000	-	-	-
03/14/2000	Newport Beach - N Street Beach	03/16/2000		8164	218
	Laguna Beach - Bluebird Canyon (AWMA S15)	03/16/2000	1900	60	240
	Laguna Beach - Three Arch Bay (SERRA S3)	03/16/2000	60	40	3200
03/15/2000	Laguna Beach - Main Beach	03/17/2000	9000	8164	12033
	Laguna Beach - Treasure Island Pier	03/16/2000	2400	121	228
03/17/2000	Huntington Beach - Bluffs (OCSD 27N)	03/19/2000	230	230	288
	Dana Point - Capistrano County Beach	04/28/2000		213	345
03/19/2000	Huntington State Beach - Brookhurst Street (OCSD 3N)	03/21/2000	500	300	398
	upcoast to Newland Street (OCSD 6N)	-	220	110	228
	(OCSD 9N)	-	170	110	128
	Newport Beach - Corona Del Mar State Beach (OCSD 29S)	03/21/2000	20	20	142
03/21/2000	Huntington Harbour - 11th Street Beach	03/24/2000	2400	282	776
	Capistrano Bay District (SERRA S11)	03/25/2000	200	70	250
	(SERRA S13)	-	40	40	110
03/22/2000	Huntington State Beach - Magnolia Street (OCSD 3N)	03/24/2000	500	300	>400
	downcoast to Brookhurst Street (OCSD 6N)	-	<20	<20	150
	Newport Bay - Newport Dunes West	03/24/2000	2400	485	98
03/26/2000	Huntington State Beach - Santa Ana River (OCSD 0)	04/05/2000	70	40	174
	upcoast to Brookhurst Street (OCSD 3N)	-	70	70	158
03/29/2000	Seal Beach - San Gabriel River downcoast to 2nd Street	03/31/2000	40	20	169
03/30/2000	Laguna Beach - Bluebird Canyon (AWMA S15)	03/31/2000	170	13	530
	Capistrano Bay District (SERRA S11)	04/11/2000	90	140	180
	(SERRA S13)	-	90	70	150
	Newport Bay - Via Genoa	04/02/2000	500	1145	1296
04/04/2000	Newport Bay - Harbor Patrol Beach	04/08/2000	800	1989	31
	Laguna Beach - Bluebird Canyon (AWMA S15)	04/05/2000	>2000	290	>2000
04/05/2000	Huntington State Beach - SCE Plant (OCSD 9N)	04/07/2000	300	230	194
04/07/2000	Huntington State Beach - Brookhurst Street (OCSD 3N)	see 4/19/00	40	30	122
04/12/2000	Dana Point - Monarch Beach North	04/14/2000	2400	31	180
04/13/2000	Huntington Harbour - Peter's Landing	04/15/2000	1300	2282	355
04/14/2000	Huntington City Beach - Bluffs (OCSD 27N)	04/19/2000	40	40	210
04/16/2000	Huntington State Beach - Magnolia Street (OCSD 6N)	see 4/19/00	500	500	234
	Huntington State Beach - Brookhurst Street (OCSD 3N)	-	130	80	158
04/17/2000	Beach Advisory - All Coastline	04/23/2000	-	-	-
04/18/2000	Newport Bay - 19th Street Beach	04/20/2000	800	638	12987
04/19/2000	SAR to Warner Avenue (OCSD 0)	04/23/2000	>18000	16000	>800
	(OCSD 3N)	04/23/2000	>18000	3000	>800
	(OCSD 6N)	04/28/2000	>18000	2200	>800
	(OCSD 9N)	04/23/2000	>18000	5000	>400
	(OCSD 12N)	04/21/2000	18000	3000	>400
	(OCSD 15N)	04/21/2000	5000	2400	>400
	(OCSD 21N)	04/21/2000	>18000	1300	>400
	(OCSD 27N)	04/21/2000	9000	500	840
	(OCSD 33N)	04/21/2000	18000	500	>400
	(OCSD 39N)	04/21/2000	3000	500	390
	Newport Beach - Big Corona Beach (OCSD 29S)	04/20/2000	1700	800	384
	Crystal Cove - Los Trancos (OCSD 39S)	04/20/2000	18000	3000	>240
	Laguna Beach - No. End of Victoria Beach (AWMA S14)	04/22/2000	950	120	190
	Aliso Beach - Pillar House (AWMA S10)	04/20/2000	>20000	4500	10000
	Aliso Beach - Treasure Island South Ramp (AWMA S11)	04/20/2000	13000	2500	5200
04/20/2000	Crystal Cove - Muddy Creek	04/22/2000	<20	<10	>24192
	Crystal Cove - El Morro	04/22/2000	5000	1010	<10
04/21/2000	Huntington Harbour - Trinidad Beach	04/23/2000	18000	545	<10
	Huntington Harbour - Davenport Beach	04/23/2000	9000	683	10
	Huntington Harbour - 11th Street Beach	04/23/2000	3000	405	20
04/22/2000	Newport Bay - 19th Street Beach	04/25/2000	>18000	1424	10
04/25/2000	Newport Bay - Bayshore Beach	04/27/2000	300	31	122
	Newport Bay - Newport Dunes North	04/27/2000	170	240	132
04/27/2000	Seal Beach - 1st Street	05/02/2000	80	20	85
	Seal Beach - 8th Street	04/28/2000	500	722	500
04/30/2000	Huntington City Beach - CLGT #15 (OCSD 12N)	05/02/2000	300	230	240
	Huntington State Beach - Magnolia Street (OCSD 6N)	See 5/18/00	300	300	316
05/02/2000	Newport Bay - Newport Dunes North	05/12/2000	170	1224	<10

COASTAL COMMISSION

EXHIBIT # 7
PAGE 4 OF 5

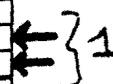
1999-2000
POSTING LOG FOR AB411

DATE POSTED	AREA POSTED	DATE UNPOSTED	BACTERIAL VALUES		
			TC	FC/EC	ENT
05/03/2000	Huntington State Beach - Brookhurst Street (OCSD 3N)	05/12/2000	1300	1300	130
	Laguna Beach - Bluebird Canyon (AWMA S15)	05/04/2000	12	2	>400
	Laguna Beach - Laguna Avenue (AWMA S16)	05/04/2000	20	12	>400
05/04/2000	Aliso Beach - Creek to 300' Downcoast (AWMA S9)	05/05/2000	80	60	190
	Huntington Harbour - Clubhouse Marina	05/06/2000	3000	4106	10
05/07/2000	Huntington State Beach - SAR (OCSD 0)	05/11/2000	1300	800	138
05/09/2000	Newport Bay - Newport Dunes East	05/11/2000	230	41	228
	Newport Bay - Gamet Avenue	05/11/2000	500	145	428
	Dana Point - Capistrano County Beach (SERRA S9)	05/11/2000	400	130	180
	Poche Beach -150' U/C and 150' D/C of Creek (SERRA S15)	07/06/2000	CF	2400	>2000
05/11/2000	Laguna Beach - Bluebird Canyon (AWMA S15)	05/13/2000	>400	>400	25
	Seal Beach -1st Street	05/13/2000	300	62	153
05/17/2000	Capistrano County Beach (dredging)	05/26/2000	-	-	-
05/18/2000	Huntington State Beach - 500' U/C & D/C Magnolia Street	See 5/19/00	800	800	164
05/19/2000	Huntington State Beach - 500' U/C Magnolia St. (OCSD 6N)	05/26/2000	40	20	14
	to Santa Ana River (OCSD 3N)	05/26/2000	130	130	164
	(OCSD 0)	05/24/2000	300	170	196
05/21/2000	Bolsa Chica State Beach - Reserve (OCSD 33N)	05/23/2000	110	110	128
05/23/2000	Newport Bay - Dunes West	05/28/2000	500	798	<10
	Newport Bay - Promontory Bay	05/28/2000	3000	8164	41
05/24/2000	Laguna Beach - Treasure Island Pier (AWMA S12)	05/25/2000	550	32	30
05/25/2000	Huntington Harbour - Sunset Aquatic	05/31/2000	>16000	379	512
	Huntington Harbour - Peter's Landing	07/07/2000	>16000	382	131
05/31/2000	Huntington State Beach - Magnolia Street (OCSD 6N)	6/1/00	130	130	116
06/01/2000	Huntington State Beach - Brookhurst Street (OCSD 3N)	06/02/2000	500	300	164
	Newport Bay - Harbor Patrol Beach	06/12/2000	700	933	313
06/04/2000	Huntington State Beach - Magnolia Street (OCSD 6N)	06/06/2000	500	500	192
06/06/2000	Newport Bay - Abalone Avenue	06/08/2000	>16000	195	556
	Newport Bay - Newport Dunes North	06/08/2000	170	909	278
06/07/2000	Crystal Cove State Beach - Pelican Point	06/09/2000	70	<10	187
06/08/2000	San Clemente - Avenida Calafia (SERRA S21)	06/11/2000	<2	<2	400
06/13/2000	Huntington State Beach - Magnolia Street (OCSD 6N)	see 6/17/00	1700	1700	>400
	Newport Bay - Rhine Channel	06/19/2000		307	794
	Newport Bay - Sapphire Avenue	06/15/2000		2489	<10
06/16/2000	Dana Point Harbor - Baby Beach Swim Area	see 6/22/00		538	20
	Doheny State Bch - SJC to end of pk (update from perm. List	06/30/2000			
06/17/2000	Huntington State Beach - 500' U/C & D/C Magnolia Street	06/19/2000	3000	3000	>400
06/20/2000	Newport Bay - Gamet Avenue	06/22/2000			
	Newport Dunes - North End	06/22/2000			
06/22/2000	Huntington Harbour - Davenport Beach	06/24/2000			
	Newport Beach - Balboa Pier (OCSD 21S)	06/23/2000			
	Aliso Beach - North End (AWMA S10)	06/24/2000			
	Dana Point Harbor - Baby Beach Swim Area to West End	06/30/2000			
06/23/2000	Huntington State Beach - Magnolia Street (OCSD 6N)				log mean
06/27/2000	Newport Bay - Promontory Point	06/29/2000			
	Newport Bay - Bayshore Beach	06/29/2000			
	Newport Bay - 38th Street Beach	06/29/2000			
06/30/2000	Laguna Beach - Treasure Island Pier (AWMA S12)	07/04/2000			
07/04/2000	Bolsa Chica State Beach - SLGT #23 (OCSD 39N0)	07/05/2000			
	Huntington Harbour - Sea Gate Lagoon				
	Laguna Beach - 1000 Steps (AWMA S4)	07/05/2000			
	Dana Point Harbor - Baby Beach West End				
07/05/2000	Laguna Beach - Blue Lagoon (AWMA S13)	07/06/2000	4	<2	214
	Aliso Beach-150' U/C & 150' D/C of Aliso Ck (AWMA S8.5)		240	70	460
	150'D/C to 300' D/C of Aliso Ck (AWMA S9)	07/06/2000	100	30	130
07/06/2000	Newport Bay - Newport Dunes North				
	Newport Bay - Park Avenue Balboa Island				
	Newport Bay - 38th Street Beach				

COASTAL COMMISSION

EXHIBIT # 7

PAGE 5 OF 5



81

Aliso Creek Bacteria Data - for Month of October Only
 AWMA Site C1 - sampled ocean side of PCH above surf

Date		Total Coliform cfu/100 ml	Fecal Coliform cfu/100 ml	Enterococcus cfu/100 ml	Sample Size	
1992	Avg	13900	2575	350	8	
	Max	53000	8200	500		
	Min	3100	900	200		
1993	Avg	1500	786	425	7	
	Max	3200	1900	600		
	Min	100	300	200		
1994	Avg	3713	3188	2580	8	
	Max	10000	14000	10000		
	Min	1000	100	20		
1995	Avg	5985	931	654	13	
	Max	35000	1600	2300		
	Min	700	200	100		
1996	Avg	4201	1458	2557	15	
	Max	26000	12000	24000		
	Min	160	70	20		
1997	Avg	1955	572	269	13	
	Max	4500	2000	2000		
	Min	220	50	30		
1998	Avg	3441	817	656	12	
	Max	17000	3300	2700		
	Min	800	200	10		
1999	Avg	1190	208	160	5	After Oct. 15th only
	Max	2400	390	220		
	Min	580	100	100		

COASTAL COMMISSION

EXHIBIT # 8
 PAGE 1 OF 1



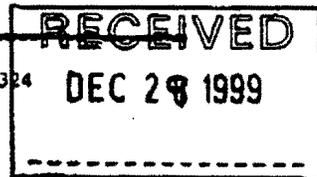
California Regional Water Quality Control Board

San Diego Region

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>

9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324

Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis
Governor

Carroll
LN

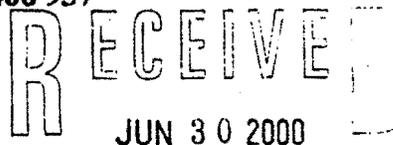
Justin H. Hickox
Secretary for
Environmental
Protection

28 December 1999

Certified Mail - Return Receipt Requested

Vicki L. Wilson, Director
ATTN: Chris Crompton
County of Orange
Public Facilities & Resources Department
10852 Douglass Road
Anaheim, California 92806

Z 222 406 957



Herb Nakasone
Orange County Flood Control District
PO Box 4048
Santa Ana, California 92702-4048

Z 222 406 958
CALIFORNIA
COASTAL COMMISSION

Ken Montgomery, Director
City of Laguna Niguel
Public Works
27791 La Paz Road
Laguna Niguel, California 92677

Z 222 406 959

5-00-272-3

Cleanup and Abatement Order No. 99-211

Enclosed is a copy of California Regional Water Quality Control Board, San Diego Region (Regional Board) Cleanup and Abatement Order (CAO) No. 99-211 concerning the high coliform bacteria levels being discharged from storm drain outfall "J03P02" to Sulphur Creek. The discharge of urban runoff with high coliform bacteria levels threatens public health and creates a condition of pollution and/or nuisance.

The CAO is issued pursuant to Water Code § 13304 and directs you to clean up all wastes and abate the effects associated with the discharges from "J03P02." Note the deadlines contained within the CAO. Failure to meet the deadlines may subject you to substantial civil liability.

You may contest the issuance of this CAO by requesting a public hearing on the matter before the Regional Board. In order to schedule a hearing, this office must receive a written request at least 30 days prior to the Regional Board Meeting. The next regularly scheduled Regional Board Meeting is 9 February 2000. Be aware that a request for a hearing does not stay any of the deadlines in the CAO.

COASTAL COMMISSION

California Environmental Protection Agency

EXHIBIT #

9

Recycled Paper



PAGE

1

OF *4*

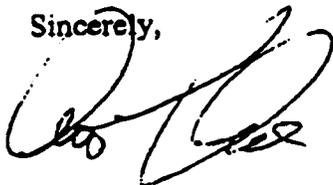
Vicki L. Wilson
Herb Nakasone
Ken Montgomery

- 2 -

28 December 1999

I strongly urge a prompt and complete response to each directive in CAO No. 99-211. Please contact Frank Melbourn of my staff at (858) 467-2973 if you have any questions regarding this matter.

Sincerely,



hr
JOHN H. ROBERTUS
Executive Officer

Enclosure: CAO No. 99-211

Copies to: Eugene Bromley, US EPA Region IX
Steve Fuller, US EPA Region IX
Bruce Fujimoto, SWRCB, DWQ, Regulatory
Laura Hunter, Environmental Health Coalition

ALC:mja:fm

s:/Compliance Assurance/CAO/County of Orange/J03P02 Cover.doc

California Environmental Protection Agency

Recycled Paper



COASTAL COMMISSION

EXHIBIT # 9
PAGE 2 OF 4

**CLEANUP AND ABATEMENT ORDER NO. 99-211
FOR
COUNTY OF ORANGE
ORANGE COUNTY FLOOD CONTROL DISTRICT
AND
CITY OF LAGUNA NIGUEL**

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

1. The County of Orange, the Orange County Flood Control District, and the City of Laguna Niguel (Co-Permittees) discharge waste with high fecal coliform bacteria levels from municipal storm drain outfall "J03P02" into Sulphur Creek, a tributary to Aliso Creek.
2. Co-Permittees cause or permit illicit/illegal discharges into the municipal storm water conveyance system which discharge from J03P02 in violation of Discharge Limitation No. 1 of Regional Board Order No. 96-03, NPDES No. CAS0108740, *Waste Discharge Requirements for Storm Water and Urban Runoff from the County of Orange, the Orange County Flood Control District, and the Incorporated Cities of Orange County Within the San Diego Region.*
3. The Co-Permittees' discharge impairs the ability of the water to support Non-Contact Recreation (REC-2) in violation of the Water Quality Control Plan for the San Diego Basin (9) Water Quality Objective, and creates a condition of pollution and/or nuisance.
4. This enforcement action is being taken for the protection of the environment and therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code § 21000 et seq.) in accordance with Administrative Code § 15108.
5. Pursuant to Water Code § 13304, the Regional Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Regional Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order.

IT IS HEREBY ORDERED that, pursuant to Water Code § 13304:

1. The Co-Permittees immediately cleanup the wastes discharged and abate their effects.
2. The Co-Permittees monitor fecal coliform bacteria in Sulphur Creek and storm drain outfall "J03P02" weekly.
3. By 11 February 2000, the Co-Permittees submit in writing to the Regional Board a work plan with time schedule to cleanup the wastes and abate their effects, as well as

COASTAL COMMISSION

EXHIBIT # 9
PAGE 3 OF 4

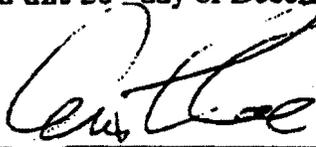
a monitoring plan. Furthermore, the Co-Permittees shall submit bacteriological monitoring results collected by the date of the submittal as well as interpretations and conclusions made from the results.

- 4. The Co-Permittees shall submit written quarterly progress reports including bacteriological monitoring results to the Regional Board according to the following schedule:

<u>Reporting Period</u>	<u>Due Date</u>
February, March and April	31 May
May, June and July	31 August
August, September and October	30 November
November, December and January	28 February

Pursuant to Water Code § 13350, any person who intentionally or negligently violates a cleanup and abatement order may be liable civilly in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated.

Dated this 28th day of December, 1999



JOHN H. ROBERTUS
Executive Officer

for



Pete Wilson
Governor

September 18, 1997

RECEIVED

SEP 24 1997

A.W.M.A.

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

EPA
California
Regional Water
Quality Control
Board, San Diego
Region

9771 Clairemont Mesa
Blvd., Suite A
San Diego, CA 92124
(619) 467-2932
FAX (619) 571-6972

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

SEP 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

EXHIBIT # 10
PAGE 1 OF 5

ADDENDUM 3



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ADDENDUM NO. 1
TO
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

5 97-216
NOV 24 1997
CALIFORNIA
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.

COASTAL COMMISSION

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

IT IS HEREBY ORDERED THAT:

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

COASTAL COMMISSION

EXHIBIT # 10
PAGE 3 OF 5

2. Order No. 95-107 shall be amended to add the following *Prohibition A.10.*
 10. Diversion of Aliso Creek stream flows to the AWMA Ocean Outfall is prohibited between October 16, and April 30 each year.

3. Order No. 95-107 shall be amended to add the following *Discharge Specification B.11.*
 11. The stream flow diversion from Aliso Creek to the AWMA Ocean Outfall shall be included as a component of the effluent limitations as listed in Discharge Specification B.2

4. The Semiannual Reporting Period and the Semiannual Report Due Date as listed in Monitoring Provision II.14 of Monitoring and Reporting Program No. 95-107 shall be replaced by following:

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

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

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

COASTAL COMMISSIO

EXHIBIT # 10
PAGE 4 OF 5

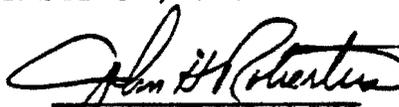
6. Monitoring and Reporting Program No. 95-107 shall be amended to add the following VI. Aliso Creek Monitoring.

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, @20°C	mg/l	24-hr composite	daily'
Suspended Solids	mg/l	24-hr composite	daily'
pH	units	grab	daily'
Total and fecal coliform	#/100ml	grab	weekly

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


JOHN H. ROBERTUS
Executive Officer

COASTAL COMMISSIO

EXHIBIT # 10
PAGE 5 OF 5

CALIFORNIA DEPARTMENT OF FISH AND GAME
130 Golden Shore, Suite 50
Long Beach, California 90802

Notification No. 5-107-96
Page 1 of 3

AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and Larry Paul of County of Orange, EMA - HB&P; 300 N. Flower St., Santa Ana, CA 92702; (714) 586-4200; (714) 489-9473; (714) 834-2486, State of California, hereinafter called the Operator, is as follows:

WHEREAS, pursuant to Section 1601 of California Fish and Game Code, the Operator, on the 11th day of March, 1996, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s) of, the following water(s): Aliso Creek, Orange County, California, Section 6 Township 8S Range 8W.

WHEREAS, the Department (represented by Terri Dickerson has made an inspection of subject are, and) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: songbirds, waterfowl and all aquatic resources and wildlife in the area.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

This Agreement becomes effective the date of Department's signature and terminates October 31, 2001 for project construction only. This Agreement shall remain in effect for that time necessary to satisfy the terms/conditions of this Agreement.

COASTAL COMMISSION

EXHIBIT # 11
PAGE 1 OF 3

1. The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement shall be subject to separate notification pursuant to Fish and Game Code Sections 1600 et seq.
2. The Operator proposes to alter the streambed to annually construct a temporary berm during the summer at the mouth of the stream near the ocean outlet, then divert the water (which may have high coliform counts) to the Aliso Water Management Agency. This would impact 1930 ft² of stream on an annual, temporary basis. The project is located approximately 300' upstream of the Pacific Coast Highway bridge in the City of Laguna Beach.
3. The agreed work includes activities associated with No. 2 above. The project area is located in Aliso Creek, Orange County. Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator and shall be implemented as proposed unless directed differently by this agreement.
4. The Operator shall request an extension of this agreement prior to its termination. Extensions may be granted for up to 12 months from the date of termination of the agreement and are subject to Departmental approval. The extension request and fees shall be submitted to the Department's Region 5 Office at the above address. If the Operator fails to request the extension prior to the agreement's termination then the Operator shall submit a new notification with fees and required information to the Department. Any activities conducted under an expired agreement is a violation of Fish and Game Code Section 1600 et. seq. The Operator may request up to a maximum of 5 extensions of this agreement.
5. The Operator shall not impact more than 1930 ft² of stream on an annual, temporary basis. The area to be impacted is currently vegetated with cattails, Arundo and iceplant. The area immediately downstream of the berm will be subject to tidal flushing. The sand berm will be approximately 3'-4', and shall not exceed 5' high, and will be plastic-lined on the upstream side. The berm width will be between 12'-20'.
6. The berm shall be constructed no sooner than May 1 of each year, and dismantled, with creek contours restored, no later than October 15 of each year. Any vegetation which may be impacted by the construction process shall be surveyed annually to ensure no impacts to nesting birds occur. If any nesting birds are found, the vegetation shall not be disturbed until the young have fledged.
7. The Operator shall mitigate with the eradication of 2000 ft² of Arundo in the Whiting Ranch Wilderness Park near the McFadden Ranch House. This site is within a mile of the headwaters of Aliso Creek and is the first stand of Arundo in the upper watershed and the removal of the 2000 ft² constitutes all the Arundo in the immediate area. The Arundo shall be removed by hand crews and disposed of offsite properly, away from any stream or where it may be washed into a stream. The stumps/sprouts shall be sprayed with an herbicide approved for use in an aquatic environment. The Arundo eradication program shall continue for a minimum of 5 years to ensure effectiveness.
8. If a stream's low flow channel, bed or banks have been altered, these shall be returned as nearly as possible to their original configuration and width.
9. Disturbance or removal of vegetation shall not exceed the limits approved by the Department.
10. Structures and associated materials not designed to withstand high flows shall be removed to areas above the high water mark before such flows occur.
11. Equipment shall not be operated in ponded or flowing areas.

COASTAL COMMISSION
COASTAL COMMISSION

EXHIBIT # 11

PAGE 2 OF 3

12. The perimeter of the work site shall be adequately flagged to prevent damage to adjacent riparian habitat.

13. An annual letter shall be submitted to the Department by October 31 of each year for 5 years after beginning the berm project and the Arundo eradication. This letter shall reference this Agreement number, document the removal of the berm, and include an overview of the status/success of the eradication effort.

14. Staging/storage areas for equipment and materials shall be located outside of the stream/lake.

15. Spoil sites shall not be located within a stream, where spoil shall be washed back into a stream, or where it will cover aquatic or riparian vegetation.

16. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

17. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the operator to ensure compliance.

18. No equipment maintenance shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas under any flow.

19. The Operator shall provide a copy of this Agreement to all contractors, subcontractors, and the Operator's project supervisors. Copies of the Agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency upon demand.

20. The Department reserves the right to enter the project site at any time to ensure compliance with terms/conditions of this Agreement.

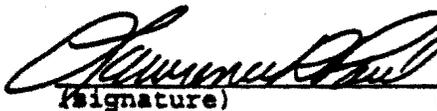
21. The Department reserves the right to suspend and/or revoke this Agreement if the Department determines that the circumstances warrant. The circumstances that could require a reevaluation include, but are not limited to, the following:

- a. Failure to comply with the terms/conditions of this Agreement.
- b. The information provided by the Operator in support of the Notification is determined by the Department to be incomplete, or inaccurate.
- c. When new information becomes available to the Department representative(s) that was not known when preparing the original terms/conditions of this Agreement.
- d. The project as described in the Notification/Agreement has changed, or conditions affecting fish and wildlife resources change.

CONCURRENCE
(Operator's name)

California Dept. of Fish and Game

(File copy is signed by
Terri Dickerson on 5/19/96)

 4-25-96
(signature) (date)

(signature) (date)

COASTAL COMMISSION

MANAGER COASTAL FACILITIES
(title)

Environmental Specialist
(title)

EXHIBIT # 11
PAGE 3 OF 3