

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



W23

Prepared September 03, 2019 (for the September 11, 2019 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Orange County for September 2019**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on September 11, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 11th.

With respect to the September 11th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on September 11, 2019 (see attached)

Waivers

- 5-19-0667-W, Electrical Contractors, Inc. (Seal Beach)
- 5-19-0799-W, Thomas Lovejoy Turrill (Seal Beach)

Immaterial Amendments

- 5-06-116-A1, Video Voice Data Communications-Voltaic Division (Seal Beach)

Immaterial Extension Objection

- 5-15-1670-A1-E2, South Orange County Wastewater Authority (Aliso And Wood Canyons Wilderness Park, Unincorporated Orange County)

Emergency Permits

- G-5-19-0036, Capistrano County Beach - Eroded Escarpment (Capistrano County Beach. -117.669, 33.456 Degrees)
- G-5-19-0037, Water Main Break at 110 & 100 Coastline Drive (Approx. 33.749719, -118.105383 And Rear Of The Addresses Of 110 And 100 Coastline Drive, Seal Beach, Ca 90740)

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August 30, 2019

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-19-0667

Applicant: AVB

Location: 333 1st St, Seal Beach (Orange County) (APN(s): 043-160-50)

Proposed Development: Installation of two (2) dual electrical vehicle chargers with associated new conduit equipment which connect to an existing electrical panel to serve four (4) existing parking spaces that are part of a larger parking lot associated with an existing apartment complex. Proposed signage reads "Electrical Vehicle Parking Only".

Rationale: The subject site is located between the first public road and the sea and is designated as residential high density in the City of Seal Beach Zoning Code. The site is a gated residential community, whose parking lot serves the apartment complex, and thus no public beach parking is available onsite that would negatively impact public access. The conduit and wirings would be constructed below-grade and run approximately 105-ft. and 100-ft. from both EV charging stations to the electrical panel which is located within the existing building structure. The proposed project design is compatible with the character of surrounding development and will not result in adverse impacts to visual or coastal resources, public recreation or coastal access. The plans were stamped as approved in concept by the City of Seal Beach on June 2, 2019. The proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September 11-13, 2019** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Fernie Sy
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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WWW.COASTAL.CA.GOV



August 27, 2019

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-19-0799-W

Applicant: Thomas Lovejoy Turrill

Location: 115 Coastline Dr, Seal Beach (Orange County) (APN(s): 199-121-19)

Proposed Development: Construction of a detached, 13-ft. high, 520 sq. ft. Accessory Dwelling Unit on an existing 6,969 sq. ft. lot. with an existing 13-ft. high, 1,312 sq. ft. single family residence.

Rationale: The subject site is located between the first public road and the sea adjacent to the Los Cerritos Wetlands on a lot designated as residential low density in the City of Seal Beach Zoning Code. There is an existing 2-car garage on the site and additional parking spaces in the driveway of the existing home. The City of Seal Beach approved the project in concept and determined it exempt from CEQA review on 6/27/2019. Public access to Gum Tree Grove Park Nature Area at the terminus of Avalon Drive approximately 1/2 mile from the subject site. The proposed project design is compatible with the character of surrounding development and does not have any negative effects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September 12, 2019** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Eric Stevens
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

**5-06-116-A1****NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT**

DATE: August 30, 2019

TO: All Interested Parties

FROM: John Ainsworth, Executive Director

SUBJECT: **Proposed Amendment to Coastal Development Permit No. 5-06-116 granted to H & S Energy, LLC, for:**

Remodel and addition to an existing 2,517 square foot gas station with six (6) existing parking spaces and a 2,520 square foot fuel canopy consisting of: demolition of 443 square feet of the gas station, an addition of 1,063 square feet for a new car wash and a new convenience store, an addition to the existing canopy, removal and relocation of underground storage tanks, installation of new fuel dispensers, landscaping and addition of seven (7) parking spaces.

PROJECT SITE: 2950 Westminster Avenue, Seal Beach, Orange County (APN: 095-010-49)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above-referenced permit, which would result in the following change(s):

Installation of two (2) electrical vehicle charging stations with associated transformer equipment on an approximately 24 square foot concrete pad at two of the existing 13 on-site parking spaces. Landscaping includes replacing a 5-foot wide planter section with at-grade concrete pad for accessibility purposes, addition of four (4) bollards, two (2) EV charging signs, and concrete curbs.

FINDINGS:

Pursuant to 14 Cal. Admin. Code Section 13166(a)(2) this amendment is considered to be **IMMATERIAL** and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The proposed improvement would convert two (2) existing standard parking spaces to electrical vehicle charging station parking spaces. The conversion would maintain thirteen (13) parking spaces on site and would not result in any loss of existing parking spaces approved under CDP No. 5-06-116. Both sign dimensions would be 1-ft. by 1.5-ft. at approximately 6.7-ft. above grade and displays "Electrical Vehicle Parking: Only While Charging". The proposed improvement would not accommodate beach parking since the site is located at a gas station approximately two miles from the beach. The proposed amendment will not result in adverse impacts to water quality and public access or views. The proposed amendment received an approval-in-concept from the City of Seal Beach on 7/30/19, and is consistent with the Chapter Three policies of the Coastal Act does not

conflict with any of the conditions or terms of the underlying coastal development permit that.

If you have any questions about the proposal or wish to register an objection, please contact Denise Truong at the Commission District Office in Long Beach (562) 590-5071.

CALIFORNIA COASTAL COMMISSION

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**EMERGENCY PERMIT**

Issue Date: August 13, 2019
Emergency Permit No.: G-5-19-0036

APPLICANT:

City of Dana Point, Attn: Matthew Sinacori
32282 Golden Lantern Street, Dana Point, CA 92629

County of Orange - OC Parks, Attn: Stacy Blackwood
13042 Old Myford Road, Irvine, CA 92602

LOCATION OF EMERGENCY:

CAPISTRANO BEACH COUNTY PARK, DANA POINT, ORANGE COUNTY
(APNs: 123-060-10, 123-060-14, and 123-060-15)

EMERGENCY WORK:

Temporary placement of a shoreline protective device in the form of geosynthetic sandcubes (one cubic yard each) over a layer of geotextile fabric along approximately 150 linear feet of beach fronting the partially undermined existing bike path to protect public facilities, including CDS stormwater treatment unit, from potentially imminent threats of erosion during high tide conditions. Fill for sandcubes to be beach compatible and sourced from local projects, where feasible. The City of Dana Point will be responsible for maintaining the sandcubes and clearing any related debris from the beach for the duration of the emergency authorization.

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 significant wave runup high tide conditions during Spring and Summer 2019 pose a threat to structures, including water treatment facilities at CAPISTRANO BEACH COUNTY PARK, which requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

August 13, 2019

Emergency Permit No.: G-5-19-0036

The emergency work described above is hereby approved, subject to the conditions listed on the attached pages.

If you have any questions about the provisioning of this emergency permit, please call the Commission at the address and telephone number listed on the first page.

Sincerely,

John Ainsworth
Executive Director



Amber Dobson
District Manager
South Coast District

cc: Susan Brodeur, OC Parks
Art Homrighausen, LSA
Blake Selna, LSA

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

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Nothing in this approval shall be construed as authorizing any existing unpermitted development. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director. The placement of rock is not authorized by this emergency CDP, with the exception of the splash apron (Class 2 and 3 stone placed between the proposed sandcubes and the existing bike path) that will be approximately 3 feet wide and 6 inches deep.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, minimize impacts to public access, and maximize the stability of the sandcubes.
4. The applicant shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, "environmental resources specialist") with appropriate qualifications acceptable to the Executive Director, to monitor the site during construction and conduct sensitive species pre-construction surveys. Prior to the commencement of development, the applicant shall submit the contact information of all monitors with a description of their duties and their on-site schedule to the Executive Director for review and approval. The applicant shall ensure that the environmental resources specialist shall perform all of the following duties, and the applicant shall observe the following requirements:

Prior to construction activities, the applicant shall have the environmental resource specialist conduct a survey of the project site, to determine presence of California grunion during the seasonally predicted run period and egg incubation period, as identified by the California Department of Fish and Wildlife. If the environmental resources specialist determines that any grunion spawning activity is occurring and/or that grunion are present in or adjacent to the project site, then no construction, maintenance, grading, or grooming activities shall occur on, or adjacent to, the area of the beach where grunion have been observed to spawn until the next predicted run in which no grunion are observed. Surveys shall be conducted for all seasonally predicted run periods in which operation of mechanized equipment, grading, or sand movement would occur on the sandy beach portion of the project site. If the applicant is in the process of grading/sand movement, the material shall be graded and groomed to contours that will enhance the habitat for grunion prior to the run period. Furthermore, grading/sand movement/operation of mechanized equipment activities shall cease in order to determine whether grunion are using the beach during the following run period. The applicant shall have the environmental resource specialist

provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife.

5. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended in writing by the Executive Director for good cause.
6. 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.
7. The proposed sandcubes shall extend no more than 15-25 feet from the seaward side of the existing partially failed bike path. Sandcubes no larger than 3' x 3' x 3' may be utilized. Sandcubes shall be placed from +2 feet MLLW (or deeper) up to the elevation of the bike path at +17 feet MLLW. Fill for sandcubes shall be of beach compatible materials and sourced from local projects, where feasible. For as long as this emergency permit remains valid, any sandcubes that incur damages prior to the removal or permitting of this temporary shoreline protection shall be removed and replaced in-kind and any debris shall be removed from the beach. See Special Condition Nos. 14 and 15 regarding requirements for a follow-up regular CDP for ongoing retention and maintenance of the sandcubes.
8. Public Access. The permittee shall, to the maximum extent practicable, minimize the amount of beach covered by sandcubes to maintain the largest portion of beach possible. To the extent possible, sandcubes shall be placed in a manner to allow pedestrian access across over them to the beach. The permittee shall provide and maintain a temporary detour route for the bike path that is adjacent to the existing path and clearly accessible with conspicuous signs to facilitate access for the entire duration of the existing path's temporary closure.
9. Methods for erosion control shall be maintained around the project site during construction.
10. Machinery, vehicles, and construction materials not essential for emergency work are prohibited at all times in beach areas.
11. Construction staging activities and equipment and materials storage areas shall not be located in vegetation areas, wetland areas or in any other environmentally sensitive habitat area. Use of public parking areas for construction staging or materials storage shall be limited to the smallest area possible. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction, shall not occur where such materials/chemicals could pass into coastal waters. Refueling of construction equipment shall occur off-site or within a designated fueling area that can contain fueling-related spills.

Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.

12. Public Rights. The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
13. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Parks and Recreation (State Parks), California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife, National Marine Fisheries Service, State and/or Regional Water Quality Control Board, and/or the U.S. Army Corps of Engineers.
14. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. 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 offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves and/or erosion.
15. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) application to the entities with CDP jurisdiction that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. The follow-up CDP may be submitted in association with CDP application No. 5-19-0345 for implementation of a Climate Change Adaptation Plan for Capistrano County Beach, which shall also address the emergency developments approved under CDP Nos. G-19-0002, G-5-18-0026, G-5-16-0039, G-5-15-0044, 5-07-039-G, and 5-04-491-G. The follow-up CDP shall include an analysis of the project's consistency with the City of Dana Point CDP Nos. 00-19 and 00-13 and an alternatives analysis that includes a proposal to remove the shoreline protective device and any existing unpermitted development and relocate the water treatment facilities. If the Director of the permitting entity(ies) determines that the follow-up CDP application(s) is/are incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Director of the permitting entity(ies). If such a follow-up CDP application is withdrawn by the applicant or

is denied by the permitting entity(ies), or if the follow-up CDP application remains incomplete for a period of 120 days after the Director of the permitting entity(ies) informs the applicant that the application(s) is/are incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal. Should the development contemplated in the follow-up CDP be located both in the Commission's CDP jurisdiction and another permitting agencies' CDP jurisdiction, the applicant is encouraged to seek a consolidated CDP from the Commission in accordance with Section 30601.3 of the Coastal Act.

16. Failure to a) submit a complete follow-up CDP Application that complies with Condition 15 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit¹, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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**EMERGENCY PERMIT**

Issue Date: August 15, 2019
Emergency Permit No. G-5-19-0037

APPLICANT:

City of Seal Beach, attn. Dave Fait
211 Eighth Street, Seal Beach, CA 90740

LOCATION OF EMERGENCY:

1st Street, northeast of Pacific Coast Highway, adjacent to the Hellman Channel, within City of Seal Beach easement in the Los Cerritos Wetlands, Seal Beach, Orange County (APN: 043-160-31).
More specifically identified in attached exhibit.

EMERGENCY WORK:

Water pipeline (18-inch diameter) repair consisting of excavation and shoring of an 8-feet by 8-foot hole in front of pipeline break to expose pipeline in order to determine extent and nature of failure which caused burst; while not anticipated, the hole may be lengthened to cover the damaged area once exposed so repair to those areas may be made, as necessary. Excavated soil to be deposited in dump trucks and will not be dumped on habitat areas on- of off-site. Work will consist of cutting the fence to allow for access and ingress/egress to the leak site, grubbing of "weeds" (as identified and directed by Los Cerritos Wetland Authority staff), and shoring of the hole scoured by escaping pressurized water in order to facilitate access to the water pipeline. Repair or replace damaged pipeline section. Backfilling of the exposed pipeline areas with material from the excavated areas, 90% soil compaction, and re-contour to original elevation or lower to the maximum extent possible (imported clean sand material may be used only in the lower depths of the hole around the pipe). Excavation of nearby soils to backfill the hole is NOT requested. Flush/clean pipeline into storm drain system before and after repair work to ensure elimination of all brackish water from water line pipe system, and restoration of the fence.

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 a public water pipeline break requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

August 15, 2019

Emergency Permit No.: G-5-19-0037

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

John Ainsworth
Executive Director



Karl Schwing
Deputy Director for Orange County

cc: Local Planning Department

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

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the immediate area where the pipeline has burst. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
4. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act. In some instances, a permit may be needed for removal.
5. Disturbance to vegetation and habitat areas shall be avoided except in the area immediately above the damaged pipeline. Disturbance to vegetation and habitat in this area shall be minimized.

6. Methods for erosion control shall be maintained around the project site during construction.
7. Construction staging activities and equipment and materials storage areas shall not be located in vegetation areas, wetland areas or in any other environmentally sensitive habitat area. Excavated soil removed from the site shall not be stockpiled over sensitive habitat area, nor shall the storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction occur where such materials/chemicals could pass into coastal waters. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
8. No excavation of native soils for the purpose of backfilling previously excavated areas is permitted. Clean sand may be imported only to cover/cushion the water pipe (below grade), and the previously excavated material shall be used to backfill the excavated hole.
9. Pre-construction Biological Survey. Prior to commencement of any development authorized under this Emergency Coastal Development Permit, the applicant shall complete a pre-construction biological survey to identify flora and fauna (e.g., *Frankenia salina* and *Salicornia pacifica*) that may be impacted by the proposed development. The survey shall include a description of whether the area is primarily upland or wetland, and photographs of all vegetation areas where any work, access or other disturbance will occur. The survey area shall include all areas where the proposed development is to occur including but not limited to the primary work area and paths of travel to/from the access road to the work area by workers and heavy equipment. The applicant shall submit the survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey.
10. Biological Monitoring. An appropriately trained biologist shall monitor the proposed development for disturbance to sensitive species or habitat area. Daily monitoring shall occur during construction which could significantly impact biological resources such as excavation. Based on field observations, the biologist shall advise the applicant regarding methods to minimize or avoid significant impacts which could occur upon sensitive species or habitat areas. Such methods may include but are not limited to use of sound attenuation measures and/or delaying or temporarily stopping work until such time that the risks to any sensitive wetland/avian species that may be present are minimized or avoided.
11. Post-construction Biological Survey. Within five days of completion of the development authorized under this Emergency Coastal Development Permit, the applicant shall complete a post-construction biological survey to identify any impacts that occurred to the flora and fauna identified in the pre-construction Biological Survey. The survey shall include photographs of all vegetation areas where any work, access or other disturbance occurred. The applicant shall

submit the survey for the review and approval by the Executive Director within thirty (30) days after completion of the survey.

If any sensitive habitat has been impacted by work at the subject site addressing the identified emergency, the applicant will be required to restore the area to pre-emergency conditions. Additional mitigation may be required. Approval for the site restoration and/or implementation of a mitigation plan shall occur through the follow-up coastal development permit. Any other habitat impacts shall be mitigated as outlined through the follow-up coastal development permit.

12. Archeological Monitoring. During any excavation beyond the footprint of previously disturbed soil, a qualified professional shall monitor the proposed development for disturbance to archeological and/or paleontological resources. If any archaeological or paleontological, i.e. cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the monitor shall undertake a testing program to evaluate the finds for significance. The permittee shall report all significance testing results and analysis to the Executive Director for a final determination of whether the deposits are significant and to identify subsequent actions.
13. Public Rights. The approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.
14. 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.
15. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the U.S. Army Corps of Engineers.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 East Ocean, Suite 300
Long Beach, CA 90802
(562) 590-5071



August 22, 2019

OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION

To: Commissioners and Interested Parties

From: Karl Schwing, Deputy Director South Coast District – Orange County
Meg Vaughn, Coastal Program Analyst

**Re: Extension of Coastal Development Permit 5-15-1670-A1-E2
(South Orange County Wastewater Authority (SOCWA) and Orange County Parks)
Aliso and Wood Canyons Wilderness Park, unincorporated Orange County
(APN(s): 120-191-79, 120-191-80, 120-191-81, 639-011-07, 639-011-08, 639-011-16, 639-011-18, 639-011-20, 639-011-25, 639-021-05, 639-031-03, 655-041-18, 655-051-03, 655-051-04, 655-051-05)**

On May 31, 2019, the applicant's representative (Dudek) submitted a request to extend Coastal Development Permit 5-15-1670-A1 for an additional one-year period. This extension request is the proposed project's second extension request. Coastal Development Permit 5-15-1670-A1 was approved on June 8, 2016. CDP amendment 5-15-1670-A1 amends Coastal Development Permit P-78-4365. CDP P-78-4365 authorized: Improvements to the existing 2.5 million gallon per day (MGD) South Coast County Water District (SCCWD) Sewage Treatment Plant to upgrade treatment, approved by the Coastal Commission in 1978. CDP amendment 5-15-1670-A1 authorized: Replace two existing, 4" diameter, ductile iron force main sludge transport pipelines with one, 6" diameter, high density polyethylene (HDPE) force main sludge transport pipeline; creek bank stabilization within Aliso Creek; and mitigation including restoration of riparian and upland habitat in Wood Canyon (more specifically described in the application filed in the Commission offices).

On July 2, 2019, the South Coast District Office in Long Beach issued notices of the Executive Director's determination that there are no changed circumstances that may affect the development's consistency with the Chapter 3 policies of the Coastal Act or with the certified LCPs for County of Orange Aliso Viejo segment and the City of Laguna Niguel. As required by Section 13169 of Title 14 of the California Code of Regulations, the Executive Director reported this determination to the Commission at its July 10, 2019 meeting.

Within the ten working-day objection period (July 3 through July 15, 2019), during which time any person may object to the Executive Director's determination, the South Coast District Office received two letters of objection (attached). The first letter, from the Laguna Bluebelt Coalition dated July 10, 2019, and received in the Commission's South Coast District office July 11, 2019, objects based on the concern that "emerging new science, advanced wastewater technologies and Private Public Partnership models" should be considered with the proposed development. More specifically, the letter identifies potential options regarding the on-site co-generation of sludge biosolids; potential use of brinewater with sludge transport to reduce ocean discharges of constituents of concern to receiving waters; questions the proposed development's relationship to recent riparian and estuary restoration projects; and argues that the applicant (SOCWA) should intercept dry weather flows in Aliso Creek

and direct them to the SOCWA's Regional Treatment Plant for treatment and then to inland beneficial re-use. The second letter, from Village Laguna, was received in the South Coast District Office on July 15, 2019 and indicates that the project was dependent on a future federal construction project for erosion control that now seems less likely to be pursued; states that an arundo removal project from within Aliso Creek has improved the condition of the creek; and notes that according to a recent press release, the applicant (SOCWA) plans to conduct an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region. The second letter states that "*a wilderness park is no place for a sewer pipe and that twenty-first century solutions to sewage treatment were available that would allow the removal of this one.*" In addition, the applicant (SOCWA) has submitted a letter responding to the first objection letter from Laguna Bluebelt Coalition (LBC). All three letters are attached.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. In the case of Coastal Development Permit Amendment 5-15-1670-A1, the standard of review is consistency with the two certified LCPs within whose jurisdiction the subject project falls, the City of Laguna Niguel and the Aliso Viejo segment of the County of Orange.

The first letter (from the Laguna Bluebelt Coalition) raises concerns related to:

1. **On-Site Co-generation:** The LBC objection letter indicates that incorporating modern on-site biofuel technologies would eliminate the need for the pipeline. The letter states that on-site co-generation of biosolids would provide power for wastewater re-use and enhance local water security and reliability. However, SOCWA does operate a co-generation facility at its Regional Treatment Plant (RTP located at the upstream end of the subject pipeline from the Coastal Treatment Plant, CTP). The RTP co-generation plant produces biogas that provides the electricity for that plant. SOCWA states, in its response letter of 7/31/2019 (attached), "*If the biosolids were kept on-site [CTP] and not sent to the RTP, the RTP would not meet the minimum requirement of biosolids to operate self-sufficiently and would thus need to rely on natural gas.*"

Moreover, this option was considered in the project's 2013 FEIR. In addition, treatment of solid waste at the Coastal Treatment Plant (CTP) was described as a potential project alternative in the findings adopted by the Coastal Commission (page 33) in its action on the pipeline project. Therefore, this objection does not constitute a new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

2. **Sludge Transport with Brinewater:** The LBC objection letter indicates that brinewater should be the transporting liquid when sludge is transported through the pipeline from the Coastal Treatment Plant (CTP), located at the downstream end of the pipeline and within Aliso and Wood Canyons Wilderness Park to the Regional Treatment Plant (RTP), located at the upstream end of the pipeline and outside the coastal zone. The LBC objection letter indicates that brinewater typically includes a number of contaminants of emerging concern and that transporting the sludge from the CTP to the RTP with co-mingled brinewater "*will facilitate advanced processing at the Regional Treatment Plant (RTP) as biofuel and additional reclaimed water for Moulton Niguel Water District's (MNWD) leading recycled water system.*" And, the letter continues, this in turn would eliminate the

CTP brinewater from the Aliso Creek Ocean Outfall. SOCWA's response to this option is: "... *the water would have a higher salt content, limiting that water from reuse for landscape irrigation where there is sensitivity to higher salinity.*" In addition, SOCWA states: "*The CTP produces effluent that consistently meet standards for ocean discharge. However, the proposed project is not related to ocean discharge. This project will not result in a change to ocean discharge from the CTP.*" In addition, the addition of brinewater to the sludge being piped would not eliminate the need for or affect the subject pipeline project as the pipeline would still be required even if the brinewater is added. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

- 3. Riparian and Estuary Restoration:** The LBC objection letter states that the project will disrupt recently restored riparian habitats and so the habitat mitigation ratio should exceed 4:1. The objection letter does not provide specifics regarding the type and location of the restoration project referenced in the objection letter, or how the pipeline project would disrupt the restoration. The letter further explains that centuries of destructive grazing practices eliminated natural habitats that managed stormwater flows in Aliso Creek and that the SOCWA and other pipeline infrastructure along the creek are consequently subjected to heavy erosion and costly repairs. The LBC letter indicates that SOCWA should restore the surrounding alluvial plain. However, the history of grazing in the area was known at the time the Commission acted on the project.

In addition, the Commission's review of the original project recognized unavoidable habitat impacts resulting from the proposed project, and imposed mitigation requirements to offset the impacts. The project impacts have already been reduced to the minimum necessary to accomplish the goals of the project. All habitat impacts from the project are required to be mitigated and the applicant has agreed to implement the required habitat mitigation. If the identified project impacts include an area that was recently restored, those impacts will continue to be addressed by the required mitigation. No change to the project footprint is proposed or approved by this extension request. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

- 4. New Water Resources for Inland Beneficial Reuse:** The LBC objection letter states that dry weather urban runoff continues to weaken and erode the Aliso Creek streambanks which threatens SOCWA pipelines. In addition the letter states: "*Dry weather creek flows are the result of unpermitted discharges throughout the Aliso Watershed.*" The letter then suggests that SOCWA should be required to intercept these flows and direct them to the RTP for treatment and beneficial re-use. However, SOCWA does not contribute to these flows, which originate throughout the Aliso watershed. Moreover, the presence of dry weather flows in Aliso Creek and the various sources for the dry weather flows were known at the time the Commission acted on the pipeline project. And, collection of dry-weather flows would require the pipeline work approved by the Commission. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

The second objection letter (from the Village Laguna) raises the following concerns:

1. **The Project Relies on a Federal Erosion Control Project that Now Seems Unlikely to be Implemented:** Although the specific federal project is not identified, it appears to be the USACE led feasibility and alternative analysis for a project that was contemplated along Aliso Creek including creek restoration and streambed stabilization¹. The Commission's review of the subject pipeline project did consider this potential, future federal project, but in terms of the length of time the subject creek bank stabilization component of the project would potentially be needed. Without the USACE project it is possible the creek bank stabilization would not protect the pipelines for the life of the subject project. This was recognized in the Commission's approval of the SOCWA pipeline project.

When considering the pipeline project, the Commission was aware that the USACE project was not a certainty. The Commission's adopted findings for the pipeline project recognize the potential future project contemplated by the USACE as being in the *feasibility and alternatives* consideration stage, not a project certain. If future work is needed, that would require approval of a CDP amendment or a new CDP. If the USACE project were ever to be proposed, it would also require approval from the Coastal Commission. The pipeline project as approved by the Coastal Commission, allows the minimum amount of work necessary to protect both the pipeline replacement and the existing pipelines at the subject site for the near term future.

In recognizing that the USACE project was still in the feasibility study stage, it was recognized that the proposed project was not expected to be the final solution. It was also recognized at that time, that the pipelines must be protected in the interim (between the approved project and an ultimate solution to address Aliso Creek erosion issues) to avoid pipe failure and the resulting impacts to the surrounding habitat, the creek, and to public health and safety. The fact that the USACE project was only in the feasibility stage was known at the time the Commission acted on the SOCWA pipeline project. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

2. **Arundo Removal from the Creek has Occurred:** The Village Laguna objection letter states: "*Second, the large-scale removal of arundo from the creek bed has greatly improved the condition of the creek and its prospects, and this may have implications for SOCWA's construction plans.*" The letter does not provide any further detail on this comment, including no details on what the implications may be. Further, it does not describe the location or extent of the arundo removal. Similar to the restoration issue raised in the Laguna Bluebelt Coalition objection letter, it is not clear how the referenced arundo removal affects the approved pipeline project. Please see response No. 3 above to the LBC objection letter. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.
3. **SOCWA is Evaluating the Treatment Plant's Size, Cost & Technology:** The Village Laguna objection letter states: "*Finally, when the project was proposed SOCWA was conducting a facility plan that presumably by now has suggested some new directions for the treatment plant. Now,*

¹ More recently described in: Aliso Creek Mainstem Ecosystem Restoration Study, Draft Integrated Feasibility Report, Environmental Impact Statement/Environmental Impact Report USACE, September 2017

according to a recent press release, after making "necessary improvements" it plans to conduct "an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region. We suggest that the time for this evaluation may be before this pipeline has been installed." Based upon this language, it appears that SOCWA may be planning a near-term future evaluation of their facilities. It does not appear that this evaluation has occurred. A contemplated future evaluation cannot be considered new or changed circumstances, because the evaluation has yet to occur and it is not known when, if ever, it will occur. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

Therefore, the Executive Director has concluded that the objection letters do not identify any changed circumstances that may affect the development's consistency with the Chapter 3 policies of the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of Coastal Development Permit 5-15-1670-A1 until June 8, 2020, one year from the previous date of expiration.



California Coastal Commission
South Coast District Office
301 East Ocean Blvd., suite 300
Long Beach, CA 90802

July 10, 2019

Subject: Coastal Development Permit Amendment No. 5-15-01670-A1

Attention: John Ainsworth, Executive Director
Meg Vaughn, Coastal Program Analyst

The Laguna Bluebelt Coalition is an organization of individuals and groups to advance protection of the Laguna Beach State Marine Protected Areas (MPAs) and marine resources. The Laguna Bluebelt Coalition has maintained a key stakeholder position in the Aliso Watershed – the proposed SOCWA Sludge Pipeline Project site.

Coalition members and partners include Orange County Coastkeeper, Village Laguna, South Laguna Civic Association, Oak Street Streakers Ocean Swimmers and others to coordinate our efforts with the Laguna Beach Marine Safety Department, local city, water and regulatory agencies and the County of Orange Lifeguards and Public Works Department.

Background

In mission statements and multiple website campaigns, project applicants South Orange County Wastewater Authority (SOCWA) and Orange County state “SOCWA is committed to Safeguarding the Ocean and Natural Environments” and “Protecting Resources – H2OC”.

As a bioregion, the Aliso Watershed contributes multiple anthropogenic impacts to coastal receiving waters regulated by the San Diego Regional Water Quality Control Board (SDRWCB). Management of wastewater systems requires a comprehensive approach rather than simply replacing pipes as they deteriorate.

Environmental science has advanced significantly since the installation of the SOCWA Sludge Pipeline 40 years ago. Since the previous permit approvals in 2016, this season’s record rainfall has altered previous water courses, maps and conclusions in earlier studies. Recent restoration of riparian habitats to re-introduce wildlife presently coincides with the Sludge Pipeline route.

Project alternatives must thoroughly investigate and evaluate emerging technologies and strategies for sustainable solutions. Wastewater projects can no longer be adequately evaluated on a simple, individual pipe by pipe basis but must consider surrounding bioregional environments and impacts to California’s precious creek, wetlands and ocean habitats to protect marine life and public health.

For example, ocean wastewater discharges are adding known pollution to fragile marine habitats, and secondary sewage nutrients increase microalgae growth leading to Harmful Algae Blooms contributing to ocean warming and sea level rise.

The proposed project continues old energy intensive technology to transport sewage biosolids against gravity over 5 miles through the Aliso and Wood Canyon Regional Wilderness Park while discharging daily over 5 million gallons of secondary sewage from the Coastal Treatment Plant (CTP) the Aliso Creek Ocean Outfall (ACOO) beginning just 1.5 miles offshore.

Mitigation Measures

With emerging new science, advanced wastewater technologies and Private Public Partnership models, the CDP Amendment should consider mitigation measures to include:

- On-site co-generation of sludge biosolids for energy production and local water reliability at the Coastal Treatment Plant
- Sludge transport with brinewater from the CTP to reduce ocean discharges of Constituents of Emerging Concern (CECs) to Laguna's Marine Protected Areas (MPAs)
- Riparian and estuary restoration
- "New water" resources for inland beneficial reuse

The proposed pipeline project traverses a recently restored riparian habitat surrounded by a deforested alluvial plain subject to elevated stormwater runoff and dry weather urban runoff systematically eroding streambanks and SOCWA infrastructure.

Pumping sludge requires a 10:1 liquid ratio and is energy intensive to transport material to the Regional Treatment Plant for processing as biofuel and reclaimed water. The project will operate with 40 year old technology and eliminate opportunities to modernize the Coastal Treatment Plant with co-generation to provide new water resources for local communities.

Proposed Mitigation Measures

1. On-site Co-generation

The preferred mitigation measure is to utilize biosolids for on-site co-generation to provide power for wastewater reuse and enhance local water security and reliability. Advanced wastewater treatment capabilities at the Aliso Creek Water Reclamation Facility presently produces 500,000 gallons daily of recycled water. Modern on-site biofuel technologies should be evaluated as a more feasible, environmentally superior alternative to the proposed expensive, energy intensive, and ecologically disruptive proposed pipeline. Public Private Partnerships and investors can be a potential additional funding resource for long term new water resources.

The project alternatives fail to consider modernization of the Coastal Treatment Plant (CTP) per City of Laguna Beach Wastewater Task Force (WTF) September 16, 2014:

"Request SOCWA to continue to evaluate the feasibility and costs of new technologies at

Coastal Treatment Plant and other SOCWA facilities to minimize the environmental impacts on sewer infrastructure within the Aliso and Wood Canyon Wilderness Park and to provide an update to the City Council in May 2015.”

2. Sludge Transport with Brinewater

Should the proposed project be approved, brinewater from the CTP is recommended as the transporting liquid. Brinewater from wastewater processes typically discharged to regulated coastal receiving waters contains Contaminates of Emerging Concern (CECs) including plastic microbeads, pharmaceutical residues, household toxins, urine contaminants, nutrients and other pollutants feeding Harmful Algae Blooms and potentially impacting protected marine mammals.

Use of CTP brinewater co-mingled with CECs for sludge transport will facilitate advanced processing at the Regional Treatment Plant (RTP) as biofuel and additional reclaimed water for Moulton Niguel Water District's (MNWD) leading recycled water system. The CTP brinewater volumes will therefore be eliminated from the Aliso Creek Ocean Outfall to significantly reduce the size of the SOCWA wastefield plume next to Laguna's State MPAs.

3. Riparian and Estuary Restoration

The construction of the proposed pipeline will disrupt riparian habitats recently restored with State and local grants with considerable effort by local environmental groups and agencies. Mitigation should exceed Commission standards of 4:1 for habitat loss to include the denuded alluvial plain surrounding the project site. The Staff Report recognizes the project's habitat mitigation plan remains inadequate.

Centuries of destructive grazing practices have eliminated natural habitats that managed stormwater flows to Aliso Creek. SOCWA pipeline infrastructure along the creek is consequently subjected annually to heavy erosion and routine costly repairs to protect multiple pipes from rupturing and massive sewage spills to Laguna Beach.

To increase protection of the proposed sludge line, mitigation measures must include restoration of the surrounding alluvial plain with native riparian trees and plants to naturally stabilize the streambanks and reduce chronic, costly erosion. Replanting can use reclaimed water for the first five years to irrigate restoration sites and remain as a precautionary protective measure for wildfire and drought protection. Reclaimed water systems are eligible for State water and wildfire protection grants.

SOCWA and County of Orange can gain community engagement to assist with tree reforestation through Legacy Tree Projects modeled by the LA Tree People and similar organizations. As restoration of the alluvial plain proceeds, SOCWA can apply for carbon sequestration credits in pursuing energy net neutral projects within their service area.

4. "New water" resources for inland beneficial reuse

Dry weather urban runoff continues to weaken and erode the Aliso Creek streambanks and threaten SOCWA pipelines buried along the creek. Dry weather creek flows are the result of unpermitted discharges throughout the Aliso Watershed. These dry weather flows erode Aliso Creek and pollute coastal receiving waters at Aliso Beach – a State Marine Conservation Area (SMCA). Creek water quality testing needs to include cyanobacteria and contaminants listed by the Clean Water Act for public posting to protect public health and welfare.

As a mitigation measure, SOCWA should intercept non-native, elevated flows at the Army Corp of Engineer's Concrete Flood Control Drop Structure containment pond next to the Ziggerat Complex prior to these flows entering Aliso and Wood Canyon Regional Park. Captured contaminated dry weather flows beyond known historic flow rates can be directed to the RTP for treatment and local beneficial reuse. As native dry weather creek flows are re-established to 1.5 cfs, the naturally occurring Aliso Beach Sand Berm will remain throughout summer months so the Aliso Estuary Restoration can advance to pond a coastal wetland necessary for the future USFWS Tidewater gobi recovery project.

4. The proposed sludge line can be dual purposed to send all of Laguna's 1.67 mgd presently discharged at the Aliso Creek Ocean Outfall (ACCO) as new water for inland beneficial reuse. Upcycling more wastewater will allow Laguna Beach to serve as a model to achieve zero liquid discharge to the ocean as proposed by Senator Hertzberg in SB 332. Every gallon of recycled water is one less gallon of secondary sewage discharged just 1.5 miles offshore.

We continue to support the many efforts of the California Coastal Commission and Staff to carefully evaluate the impacts and possible benefits of the proposed CDP Amendment. Thank you for considering the proposed Sludge Line Pipeline Project and recommended mitigation measures as a crucial opportunity to advance smarter, energy net neutral, sustainable approaches based upon sound science to wastewater management in protecting coastal resources from unintended consequences associated with regional sewage systems and pipelines in Environmentally Sensitive Habitat Areas (ESHA) next to Marine Protected Areas (MPAs).

Mike Beanan
For Laguna Bluebelt Coalition

www.lagunabluebelt.org

Attachment

Laguna Beach Regulated Coastal Receiving Waters/ MPAs Map

Link: <https://www.youtube.com/watch?v=CQXEK1cXRZs>

Supplemental Documents

City of Laguna Beach
Meeting Date: 9/16/14

AGENDA BILL No. 4

SUBJECT: WASTEWATER ADVISORY TASK FORCE RECOMMENDATIONS

SUMMARY OF THE MATTER: The Wastewater Advisory Task Force was formed in July 2013 after consideration of potential environmental impacts related to the Coastal Treatment Plant Export Sludge Force-main Replacement Project located within Aliso Canyon. Concurrently, the State of California has been facing an extreme long-term drought that is impacting water use, but is also expanding the potential for advancing alternative water supplies. There is a need for holistic water management within South Orange County and the City of Laguna Beach to promote and champion alternative water sources, and reduce the impacts of water discharges on local receiving waters.

The Wastewater Advisory Task Force considered these issues during the development of Task Force recommendations. The initial Task Force goals were:

- To develop recommendations for South Orange County Wastewater Authority's (SOCWA) long range strategic plan, focusing on sustainable, cost-effective, and environmentally sound wastewater management that respects the integrity of the Aliso and Wood Canyons Wilderness Park and coastal receiving waters.
- To gather and assess information on current operations and on twenty-first-century technologies through interviews with and presentation by SOCWA staff, University of California at Irvine faculty and graduate students, other invited speakers, and the Internet to present to City Council, recommendations for upgrades, improvements, and possible removal of sewer infrastructure from the Aliso and Wood Canyons Wilderness Park.

The task force will consider and comment on the financial impacts of its recommendations. The Task Force was comprised of two City Councilmembers (Councilmembers Whalen and Dicterow), five interested residents (Michael Beanan, Mark Christy, Jane Egly, Cathleen Greiner and Derek Plaza) and City Staff (David Shissler and Tracy Ingebrigtsen).

In order to meet the Task Force goals, the group **RECOMMENDATIONS:** It is recommended by the Wastewater Advisory Task Force that the City Council adopt the Wastewater Task Force Action Statements and Recommended Actions as stated beginning on Page 2.

Wastewater Advisory Task Force Recommendations September 16, 2014 Page 2 invited expert speakers to describe wastewater treatment plant operations, possibilities and constraints for current water supplies, and explore alternative water supplies and reuse technologies.

The Task Force membership met seven times and heard presentations from the following groups:

- SOCWA - Detailed understanding of the Coastal Treatment Plant - facilities overview, operating budget, capital improvement plan and facility plan.
- Laguna Beach County Water District — Recycled Water Potential
- South Coast Water District — Reclamation System Project at the Coastal Treatment Plant
- Fire Chief LaTendresse — Fuel Modification Zones
- Orange County Chapter of WaterReuse - Direct Potable Reuse

Finding a continued long term solution to the task force goals will take ongoing collaboration among multiple agencies and groups as well as the development and use of alternative sources of water. The complexities of this issue require long-term consideration and action.

The final recommendations are categorized into Action Statements and Specific Recommended Actions. RECOMMENDATIONS: The Wastewater Advisory Task Force recommends the City Council adopt the following Action Statements and Recommended Actions.

A. Adopt Wastewater Task Force Action Statements: 1. Quantify Water Availability of all potential sources (Potable, Recycled, Stormwater, and Direct Potable Reuse) for existing and future Laguna Beach uses. 2. Encourage Self Reliance by developing, supporting and participating in regional efforts for aggressive water conservation, full water reuse technologies, and other emerging water capture, use/re-use strategies that will stretch our current water supplies to the maximum extent possible. 3. Support Interagency Collaboration for regional expansion of existing, new, and future water supplies and reducing the waste of water. 4. Participate in the development of Long-Range strategic plans for sustainable, cost-effective, environmentally sound water and wastewater management. Establish metrics for measuring progress, and support economic incentives to promote the use of alternative water supplies. 5. Support Outreach and Education efforts to inform the public about their local water cycle including; water supply, availability and sources, water waste/urban runoff impacts, wastewater discharge impacts, and emerging water capture, use/re-use strategies.

B. Adopt Wastewater Task Force Recommended Actions: 1. Develop an area map showing Laguna Beach and surrounding area water sources including potable and recycled water. 2. Support and participate on the South Orange County Regional Recycled Water Committee to facilitate/develop a long range plan to maximize the re-use of wastewater supplies 3. Request that the City of Laguna Beach become a participant in the SOCWA Recycled Water Permitting Committee (PC2 SO). 4. Send letters of support to State elected officials, the California Association of Sanitation Agencies and the Water Reuse Foundation supporting legislation, regulations, research and initiatives for the acceptance of Direct Potable Reuse. 5. Work with other agencies in the South Orange County Watershed Management Area (SOCWMA) to develop Feasibility Studies for the use of alternative water supplies (Direct Potable Reuse, Storm/Urban Water Capture and Reuse) within South Orange County and the City of Laguna Beach. 6. Request SOCWA to continue to evaluate the feasibility and costs of new technologies at Coastal Treatment Plant and other SOCWA facilities to minimize the environmental impacts on sewer infrastructure within the Aliso and Wood Canyon Wilderness Park and to provide an update to the City Council in May 2015.

From Staff Report of 5/26/2016

Between SOCWA's Coastal Treatment Plant (CTP) and SOCWA's Regional Treatment Plant (RTP), in Aliso Canyon, in Aliso and Wood Canyons Wilderness Park, Orange County

Description of Proposed Replace two existing, 4" diameter, ductile iron force main sludge Amendment: transport pipelines with one, 6" diameter, high density polyethylene (HDPE) force main sludge transport pipeline; creek bank stabilization within Aliso Creek; and mitigation including restoration of riparian and upland habitat in Wood Canyon. Description of Previously Improvements to the existing 2.5 million gallon per day Approved Project (MGD) South Coast County Water District (SCCWD) Sewage P-78-4365: Treatment Plant to upgrade treatment.

Construction of new 4.2 (Exhibit 10) MGD sewage treatment plant immediately adjacent to the SCCWD plant to treat sewage from City of Laguna Beach and Emerald Bay Service District;

sewage to be transported to plant via the previously approved North Coast Interceptor (PE-75-779 and 77-1404). Also included are construction of roughly 2.5 miles of a 5 mile force main (that portion within the Coastal Zone) to transport sludge from the Coastal Plant (new SCCWD plant) to the regional sludge facility at the Moulton-Niguel Water District Plant (outside the Coastal Zone) and an effluent transmission line from the Moulton Niguel Plant to the Coastal Plant and eventually to the ocean outfall (P-76-5073 and P-77-1404). The two pipelines will be placed in a common trench. An access road will also be constructed, generally following an existing ranch road on the westerly side of the creek.

The proposed project would replace an existing force main sludge transport pipeline necessary to transport sludge from the existing Coastal Treatment Plant (within the coastal zone) to the existing Regional Treatment Plant (outside the coastal zone). The Coastal Treatment Plant and the existing and proposed pipelines are located within Aliso and Wood Canyons Wilderness Park. The Park includes extensive sensitive habitat and public trails. In addition, significant cultural resources are known to be present within the general project vicinity. Aliso Creek, a blue line stream, is located near the pipeline alignment.

Creek bank stabilization is proposed to protect existing pipelines as well as the proposed pipeline. The proposed project will have impacts on sensitive habitat and a Habitat Mitigation and Monitoring Plan is proposed. In addition, a Construction Monitoring Treatment Plan is proposed due to the presence of cultural resources within the general project vicinity.

Staff is recommending approval of the proposed project subject to six special conditions requiring (in addition to the 16 special conditions required of the original CDP P-78-4365): 1) agreement to non-interference with public access and recreation within Aliso and Wood Canyon Wilderness Park and removal of existing impediments to public access; 2) submittal of a revised Habitat Mitigation and Monitoring Plan as necessary for the protection of sensitive habitat; 3) requirement to conduct a nesting bird survey if work will occur during the nesting season and implementation of measures necessary to protect any nesting birds from construction impacts; 4) requirement to flag, fence or stake the construction site to avoid impacts to adjacent habitat; 5) submittal of final design plans for the proposed creek bank stabilization; and, 6) submittal of a revised Construction Monitoring Treatment Plan and other measures necessary to assure protection of cultural resources.

Areas of habitat impact are depicted on Exhibit 3. Of the impacts identified above, the 1.1 acres of impact to developed, ruderal, and ornamental area do not constitute impacts that require mitigation. Therefore, of the 12.48 acres of impact identified, 1.1 do not require mitigation, leaving a total of 11.38 acres of impact that do require mitigation. The Commission has typically required a mitigation ratio of 3:1 (mitigation: impact) for upland habitats and 4:1 for riparian/wetland habitat communities. However, mitigation is proposed at only a 1:1 ratio.

Creek Bank Stabilization Impacts & Proposed Mitigation: The HMMP identifies permanent project impacts due to the proposed placement of three rock groins and rock slope protection necessary for creek bank stabilization (described later in this report) within the creek and creek banks. Total impacts due to the proposed creek bank stabilization include 0.16 acre of impact to Southern Cottonwood Willow Riparian Forrest (SCWRF) and 0.00069 acre of coastal sage scrub (CSS). The applicant is proposing to establish 0.48 acre of Southern Cottonwood Willow Riparian Forrest habitat and 0.002 acre of coastal sage scrub habitat. The proposed HMMP states: “The proposed mitigation activities will establish native SCWRF vegetation suitable for use by wildlife for nesting, breeding and forage, and will also serve to provide additional wildlife corridor linkage, as described in Section 5.4.

This establishment [mitigation] site is currently dominated by non-native annual grasses and ruderal species, which appear to be regularly disturbed by mowing. Several isolated patches of CSS individuals are scattered around the periphery of the site. Replacement of the non-native, regularly disturbed vegetation with a native vegetation community will increase habitat functions for wildlife, reduce reestablishment of invasive species, provide soil cover for erosion control, and expand contiguous native vegetation communities with adjacent riparian corridor of Wood Creek, thereby reducing potential negative edge-effects.

In addition, stands of invasive non-native species within the proposed mitigation sites currently serve as a seed bank for non-native plant species and likely contribute to the degradation of and infestation by non-native species in Aliso Creek. Converting the area into a mitigation site will have a net benefit to the surrounding areas through reduction of this invasive plant species seed source. Since the site would no longer experience regular, human disturbance from mowing, the site could function as a location to host native plant and animal species, which the current mowing regime severely limits.”

The proposed mitigation site is located within Wood Canyon (Exhibit 4), in AWCWP. The proposed mitigation represents a ratio of 3:1 for both riparian/wetland habitat impacts and upland habitat impacts. As stated above, typically the Commission requires a mitigation ratio of 4:1 for riparian/wetland habitat impacts and 3:1 for upland habitats. The Commission typically imposes the higher, 4:1 mitigation ratio for wetlands/riparian habitats to address the loss of habitat value in the interim between the loss of habitat and the establishment of the fully functioning replacement, a recognition that a high portion of artificially restored or created habitats are not successful, and for those that are successful, they can tend to be less diverse than natural or even natural but degraded wetland/riparian systems. That is, only by requiring mitigation at a 4:1 ratio can the Commission find that the proposed loss of wetlands/riparian habitat will indeed be offset 5-15-1670-A1 (SOCWA) 21 by the restoration effort that will not be complete until well after the initial loss.

The higher ratio also recognizes the statewide significance of these types of habitat and that their historic loss places greater value on those that remain. As much as 75% of coastal wetlands in

southern California have been lost, and, statewide up to 91% of wetlands have been lost. Additional mitigation area may compensate for problems and/or delays that may arise in developing the mitigation site to full function. An alternate to the increased mitigation ratio would be to establish a fully functioning mitigation site prior to creating the impacts that result in the habitat loss. Typically, this is not the preferred alternative of project proponents. Revised Mitigation Plan Required As proposed, the Habitat Mitigation and Monitoring Plan for the Coastal Treatment Plant Export Sludge Force Main Replacement Project, prepared by Dudek, dated August 2015 (HMMP) is not adequate.

As described above, the proposed mitigation ratio is insufficient to assure that adverse habitat impacts will indeed be offset. The revised HMMP must provide increased mitigation ratios of 3:1 (mitigation to impact) for all upland impacts, and 4:1 (mitigation to impact) for all wetland/riparian impacts. Thus, based on the information contained in the proposed HMMP, there are 0.0604 acre of riparian/wetland habitat impacted by the pipeline alignment, which requires mitigation at a ratio of 4:1; and 6.11 acres of natural uplands, and 3.67 acres of disturbed habitat which require mitigation at a ratio of 3:1.

This increased ratio is appropriate for the reasons described above and because the temporal loss is large when trees are impacted, as is the case with the proposed project's impacts to southern cottonwood willow riparian forest habitat. This requirement for increased mitigation area can be accommodated within the surrounding ruderal and disturbed vegetation and arundo dominated riparian along Aliso Creek (as mapped in the Biological Technical Report, prepared by Dudek, dated October 2012; Fig. 3), and if necessary, by expanding the mitigation area proposed in Wood Canyon. In addition, the HMMP includes hydroseeding only along the area of pipeline impacts and a combination of container and hydroseeding in the area of creek bank impacts. This must be revised to include container plantings for both pipeline alignment as well as creek bank impacts because container plantings have greater establishment success than hydroseeding alone. This would increase the likelihood of success and reduce the duration of interim loss of habitat. The HMMP should be further revised to specifically identify any soil amendment to be used and to specifically preclude the use of added fertilizer.

In addition, *Isocoma menziesii* must be eliminated from the proposed coastal sage scrub seed mix because it is an aggressive colonizer and can overwhelm other species. Effective monitoring of the mitigation sites must be conducted with sufficient replication to detect a 10% difference in cover between the restoration site and the success criterion for a total native cover with 90% power and $\alpha = 0.10$ using a single sample t-test. A point-contact transect is a single replicate. The necessary replication should be estimated using a statistical power analysis. A revised HMMP must be submitted which incorporates these changes. In addition, the proposed HMMP describes the success criterion for SCWRF as 80% cover relative to pre-impact vegetation after two years.

However, monitoring is required for five years and success criteria should be based on native species with percentage cover appropriate to unimpacted examples of the vegetation type being restored. Moreover, there must be quantitative 5-15-1670-A1(SOCWA) 22 success criteria for each vegetation layer. Success criteria must include both cover criteria and criteria for species diversity. As proposed the HMMP does not do this, and so must be revised accordingly. Also, the HMMP states “The CSS buffer vegetation development will be qualitatively assessed by the Project Biologist.”

However, there should be quantitative success criteria for the combined vegetative cover of Artemisia and Encelia that can be monitored by the Project Biologist by making a visual estimate of cover within that small area. As proposed the HMMP does not do this, and so must be revised accordingly. Maintenance activities are proposed for the 5-year maintenance and monitoring period. It should be 5 years or until the success criteria are met, whichever is longer. As proposed the HMMP does not do this, and so must be revised accordingly. The HMMP must be revised to add the following requirement: “If the final report indicates that the restoration project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved performance standards.

The revised restoration program, if necessary, shall be processed as an amendment to this coastal development permit, unless the Executive Director determines that none is legally required.” For these reasons, it is important that the revised HMMP be submitted for the review and approval of the Executive Director to assure the measures are incorporated as necessary to assure adequate mitigation is provided and adverse impacts to habitat are minimized to the maximum extent feasible. Therefore, the Commission imposes Special Condition 18, which requires submittal of the revised HMMP. Only as conditioned, can the project be found to be in conformance with the Environmental Hazards policies of the certified Orange County Aliso Viejo segment LCP and the certified City of Laguna Niguel LCP.

Other Necessary Habitat Protection Measures As proposed by the applicant and included as Mitigation Measure Bio 2.1 to the project EIR, a qualified biologist shall be present on-site during all vegetation removal. The biologist shall have the authority to stop work in the event impacts to special status species outside the project footprint appear likely. In addition, the limits of work must be identified via flagging, staking, or fencing in order to avoid inadvertent impacts to sensitive habitat and/or species beyond the project limits.

In order to minimize adverse impacts on habitat the Commission imposes Special Condition 20, which requires implementation of these habitat protection measures during project construction. Only as conditioned, can the project be found to be in conformance with the Environmental Hazards policies of the certified Orange County Aliso Viejo segment LCP and the certified City of Laguna Niguel LCP. As stated above, sensitive bird species, including the California gnatcatcher, least Bell’s vireo, cooper’s hawk and others are present in the project

vicinity. In order to avoid impacts to these species, impacts during the nesting season must be avoided. If construction activities are to occur during the bird nesting season (January 1 through April 30), a qualified biologist with experience in conducting bird surveys, must conduct nesting bird surveys to identify their presence or absence during construction. If active nests are identified within the construction area, work shall cease within 500 feet for raptor and within 300 feet for California Department of Fish & Wildlife listed species and/or species of special concern. Work outside these limits, however, may continue. In order to avoid adverse impacts to sensitive bird species during nesting season, the Commission imposes Special Condition 19, which requires that surveys for nesting birds be conducted by a qualified biologist when work is undertaken during the nesting bird season. Only as conditioned, can the project be found to be in conformance with the Environmental Hazards policies of the certified Orange County Aliso Viejo segment LCP and the certified City of Laguna Niguel LCP



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South Coast Region

JUL 15 2019

CALIFORNIA
COASTAL COMMISSION

John Ainsworth, Director
Coastal Commission
South Coast District Office
301 East Ocean Blvd. Suite 300
Long Beach, CA 90802
July 9, 2019

Re: Extension Request 5-15-1670-A1-E2

Dear Director Ainsworth,

Since the Commission issued the permit for SOCWA's sludge pipeline replacement, there have been a number of changes on the ground that seem to us to merit the Commission's revisiting the project.

First of all, the project as presented was admittedly dependent on a proposed federal construction project for erosion control, and now that project seems less likely than before to be pursued.

Second, the large-scale removal of arundo from the creek bed has greatly improved the condition of the creek and its prospects, and this may have implications for SOCWA's construction plans.

Finally, when the project was proposed SOCWA was conducting a facility plan that presumably by now has suggested some new directions for the treatment plant. Now, according to a recent press release, after making "necessary improvements" it plans to conduct "an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region." We suggest that the time for this evaluation may be before this pipeline has been installed.

When the pipeline replacement was approved, trucking the sludge was identified as the environmentally superior alternative. Our position, then as now, was that a wilderness park was no place for a sewer pipe and that twenty-first-century solutions to sewage treatment were available that would allow the removal of this one. A hearing on the permit extension would allow the commissioners to assess the degree to which the project is appropriate to today's conditions.

Sincerely,

A handwritten signature in cursive script that reads "Johanna Felder".

Johanna Felder
President, Village Laguna

MEMORANDUM

To: Meg Vaughn
From: Shannon Baer
Subject: Response to Opposition Letter Re: Coastal Development Permit Amendment No. 5-15-01670-A1
Date: July 31, 2019
cc: Brian Peck (bpeck@socwa.com); Mike Metts (mmetts@dudek.com); Tricia Wotipka (twotipka@dudek.com)

On behalf of the South Orange County Wastewater Authority (SOCWA), this memorandum in response to the opposition letter received on July 10, 2019 by the Laguna Bluebelt Coalition (LBC) in regards to the Coastal Development Permit Amendment (CDPA) No. 5-15-01670-A1.

1 Background

SOCWA prepared a Final Environmental Impact Report (FEIR) for the Coastal Treatment Plant (CTP) Export Sludge Force Main Replacement Project (proposed project) (Dudek 2013; State Clearing House (SCH) No. 2011051010). The proposed project would replace approximately 16,600 feet of two existing parallel 4-inch pipelines between the CTP and Alicia Parkway. The proposed project would replace the existing force mains with a single 6-inch force main made of high density polyethylene (HDPE), which would minimize future corrosion challenges. The pipeline is proposed to be constructed on the east side of Aliso Creek, parallel to Moulton Niguel Water District's sewer line within the existing dirt utility access road right-of-way. The FEIR was adopted by the SOCWA Board of Directors in 2013.

In 2015, SOCWA proposed improving a section of the creek bank along Lower Aliso Creek to provide erosion protection and improved stability for the existing infrastructure in the area as well as for the proposed force main replacement pipeline. This improvement allows for natural revegetation along the berm between the groins/dikes and does not require any fill in the low flow channel or removal of existing channel banks. In addition to these stabilization features, the alignment of the pipeline would be slightly revised in two locations. As such, an Addendum to the FEIR was prepared and approved by the SOCWA Board of Directors in September of 2015 to reflect these minor modifications to the proposed piping routing that would further reduce impacts on the surrounding habitat. A CDPA Application was filed on November 24, 2015 for the proposed project, including the creek bank stabilization modifications. On June 8, 2016, the CCC granted SOCWA a CDPA for the changes approved, and a Notice of Intent to Issue Permit (NOI) was issued on June 26, 2016. SOCWA signed the NOI on July 7, 2016, acknowledging the CCC's action and agreeing to all conditions imposed.

From June 8, 2016 to the current, SOCWA has been working on fulfilling the special conditions specified in the CCC's CDPA, as well as fulfilling permitting requirements established in the FEIR. SOCWA worked closely with the U.S. Fish and Wildlife Service (USFWS) and the U.S. Army Corps of Engineers (USACE) on the Section 7 consultation

to address potential impacts to federally listed species, namely the California gnatcatcher and least Bell's vireo. The USFWS concluded their consultation with the USACE on September 24, 2018. On October 10, 2018 the USACE issued a provisional Nationwide Permit for the project. On October 25, 2018 the Regional Water Quality Control Board (RWQCB) issued an amendment to the Section 401 Water Quality Certification to reflect the updated project alignment and greater mitigation requirements. A CDPA Extension was issued August 9, 2018 to allow SOCWA to continue Condition Compliance for one year. During that time, SOCWA proceeded in the preparation and submittal of Special Conditions 18 (Revised Habitat Mitigation & Monitoring Plan), 21 (Creek Bank Stabilization Final Design Plans), and 22 (Area of Potential Archeological Significance). On May 30, 2019, the California Coastal Commission (CCC) received an additional CDP Extension Application to fulfill the remaining CDPA Special Condition: Special Condition 17 (Public Access Plan). The Executive Director's report presented at the June 10-12, 2019 CCC hearing, determined that there were no changed circumstances affecting the proposed project's consistency with the Coastal Act.

The opposition letter received on July 10, 2019 from the LBC reflects the Coalition's desire to advance protection of the Laguna Beach State Marine Protected Areas. The proposed project was undertaken with the primary objective of protecting the Aliso Creek watershed from the damage that would result from the failure of the existing cast iron pipelines. Given this shared general objective, this memorandum is intended to offer clarity on the key issues. Furthermore, the opposition letter asserts multiple project alternatives and mitigation measures for the proposed project, however, does not state opposition to the CDPA Extension Application. It is SOCWA's opinion that the LBC letter does not provide any new information that identifies changed circumstances that may affect the consistency of the proposed project with the Coastal Act or LCP. The following memorandum responds to the LBC letter's main points, presenting that the circumstances still have not changed.

2 Proposed Alternatives and Modernizations

Under the California Environmental Quality Act (CEQA), the certified FEIR for the proposed project considered all alternatives presented as part of the scoping process and as part of public outreach efforts for the project, and presented all alternatives in the FEIR. The FEIR analyzed a reasonable range of alternatives as required under Section 15126.6 of the CEQA Guidelines. In addition, the CEQA process requires EIRs go through a 45-day public review period in which the lead agency must respond to every individual comment received in relation to the proposed project. During this process, SOCWA addressed many comments concerned with the environmental implications of the proposed project, including comments similar to those included in the opposition letter received July 10, 2019.

The modernization of SOCWA's treatment plants for enhanced effluent reuse remains a potential future objective. SOCWA operates three wastewater treatment plants that were constructed in various stages from 1965 to 1985 that vary in size, but operate in similar modes centering on conventional activated sludge technology. SOCWA continues to review overall technologies as a means of advancing resource recovery and for making the operation of the treatment plants more efficient.

2.1 Ocean Wastewater Discharges

The CTP produces effluent that consistently meet standards for ocean discharge. However, the proposed project is not related to ocean discharge. This project will not result in a change to ocean discharge from the CTP.

2.2 On-site Co-generation

The proposed project will improve the efficiency of the existing operation by replacing the old and corroding 4-inch cast iron pipeline with a smooth surfaced 6-inch pipeline. The 6-inch, high density polyethylene pipeline will be able to move the sludge more easily, thus lowering the energy requirement to operate the CTP. The Regional Treatment Plant (RTP) currently operates a co-generation facility where digesters produce biogas that produce the electricity for the RTP. If the biosolids were kept on-site and not sent to the RTP, the RTP would not meet the minimum requirement of biosolids to operate self-sufficiently and would thus need to rely on natural gas. In its current design, the electricity generated by the biogas system offsets power that would otherwise be purchased from investor-owned utilities. Therefore, it would not be more efficient to implement on-site co-generation.

In addition, as discussed in the FEIR, sludge production at the CTP is currently not projected to increase substantially in the future. Therefore, the new 6-inch export sludge force main is projected to accommodate the long-term needs of the CTP in a more efficient manner, thus maintaining a reduced energy demand for years to come. Furthermore the Solids Handling Alternative, analyzed in Section 8.3.5 of the Draft EIR includes such a facility with on-site co-generation. However, as concluded in the DEIR, the Solids Handling Alternative does not offer any energy recovery benefit that does not already exist; this alternative was not selected as the preferred alternative.

New sludge processing technologies are continuously reviewed by SOCWA for potential application at all of its treatment plants. SOCWA has investigated the use of new sludge processing technologies at the two treatment plants that currently have solids handling systems. The drawback for these innovative technologies is that they have minimal operational longevity in the wastewater treatment industry and are therefore speculative as to long-term viability and proven operational cost. If problems were to be encountered with the new technology at the CTP, the facility would need to reroute its sludge through the existing export pipelines or via trucking. The trucking option would require approximately 5 to 7 round trips per day through the Aliso and Wood Canyons Wilderness Park (AWCWP). In the future, should SOCWA elect to add an innovative technology, the existing systems would continue to be used when start-up and operational problems could be encountered with innovative technologies.

2.2 Sludge Transport with Brinewater

The new export sludge pipeline was designed to handle the waste solids flow from the CTP. The conveyance of brinewater from the existing South Coast Water District reverse osmosis facility would result in a higher total dissolved solids level of the recycled water produced for the Moulton Niguel Water District, potentially creating a reduction in applications for reuse. In other words, the water would have a higher salt content, limiting that water from reuse for landscape irrigation where there is a sensitivity to higher salinity. The proposed project does not address additional options for production of recycled water at the RTP.

2.3 Riparian and Estuary Restoration

The new force main alignment was designed to minimize impacts to wetlands, riparian, and coastal sage scrub communities to the greatest extent feasible by siting it in an existing, maintained access road and within disturbed vegetation communities, wherever feasible, while taking into account the location of known cultural resources and the erosive conditions of Aliso Creek.

The final proposed project alignment was ultimately selected taking into account multiple rounds of input and guidance from local, state, and federal agencies during the environmental resource permitting process including, but not limited to, the USACE, the California Department of Fish and Wildlife, the RWQCB, the CCC, and the USFWS. Construction of the project would include minimal vegetation removal within a temporary 20 foot-wide construction easement for trenching and placement of the 6-inch force main and for installation of the three rock groins. To our knowledge the project does not involve the disruption of recently restored riparian areas as the focus of prior giant cane (*Arundo donax*) removal efforts in the area largely focused on the active floodway of Aliso Creek, not along the bank where the creek bank improvements are proposed. SOCWA is required to mitigate for permanent and temporary impacts to wetlands, non-wetland waters, and riparian habitats at a 4:1 ratio, with temporary impacts, totaling 0.0604 acre, being restored in-place within the impact footprint, yielding an off-site mitigation acreage requirement of 0.82 acre, which will be fulfilled in Wood Canyon, a vegetated perennial tributary to Aliso Creek within the AWCWP. Given the minimal severity of the impact, the 4:1 mitigation ratio is more than adequate to compensate for project impacts to wetlands and riparian communities.

It is important to note that in addition to the mitigation requirements imposed on the project by the environmental resource agencies the proposed bank improvements will also encourage natural revegetation as the installation of the three rock groins will redirect flows along the channel bank away from the bank and allow for capture of sediment upstream of the groins/dikes. This will result in the natural accretion of sediment at the lower bank which will encourage the recruitment of riparian and wetlands vegetation in the area. The groins/dikes would extend out from the channel bank approximately 20 feet across the berm to the edge of the low flow channel. The top-width of the groins/dike would be approximately 5 feet. The median size of the dike rock would be 24 inches with a maximum of 36 inches. This improvement allows for natural revegetation to occur along the berm between the groins/dikes and does not require any fill in the low flow channel or removal of existing channel banks.

Reforestation of Aliso Canyon is not an element of the proposed pipeline project.

Special Condition 18, Revised Habitat Mitigation and Monitoring Plan, has since been filed as complete by CCC staff.

2.4 New Water Resources for Inland Beneficial Reuse

A repurposing of the pipeline to handle recycled water produced at the CTP could certainly be considered in the future. However, that is not an element of the current project.

3 Supplemental Documents

As discussed in the FEIR and Biological Resources Technical Report, SOCWA has duly assessed potential impacts to biological resources, including potential impacts or conflicts to the Central-Coastal Subregion NCCP/HCP. SOCWA has sought to avoid and minimize these effects to the extent practicable by various means, including by designing the proposed project within an existing disturbed access road. SOCWA continues to explore and implement where feasible, sustainable, cost-effective, and environmentally-sound wastewater management systems. The comments made in the supplemental documents reiterate the comments made throughout the letter.

Conclusion

SOCWA would like to thank you for your time and consideration of this important public health and safety project. The approval of this CDPA Extension will advance an essential public infrastructure improvement project to replace two 35-year-old deteriorating cast iron sludge force mains with a new pipeline in order to ensure reliability and prevent failures that could adversely impact the adjacent Aliso Creek and the AWCWP. SOCWA has worked diligently for many years to site and design the pipeline to avoid and minimize impacts within the AWCWP and ensure the protection coastal resources, including sensitive biological and archaeological resources. We are writing in support of prior staff report and recommendation of approval. We very much appreciate the time Commission Staff has taken to conduct a comprehensive analysis of the proposed project.