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Agency Secretary

State Water Resources Control Board

Division of Water Quality
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Arnold Schwarzenegger
Governor

MAR 09 2006

Mr. Sat Tamaribuchi
Vice President, Environmental Affairs
The Irvine Company
P.O. 6370
Newport Beach, CA 92658-6370

Dear Mr. Tamaribuchi:

IRVINE COAST AREA OF SPECIAL BIOLOGICAL SIGNIFICANCE (ASBS)

Mr. Martinson has retired; therefore, I will respond to your subject letter of December 28, 2005 on behalf of the Division of Water Quality. The purpose of this response is to clarify staff's position regarding the Irvine Company's discharges to ASBS.

The State Water Resources Control Board (State Water Board) is aware that The Irvine Company is discharging, in some cases co-mingled with drainages from other entities, into the Irvine Coast ASBS at the following locations identified in the Southern California Coastal Water Research Project survey: IRV 021, IRV 022, IRV 027, and IRV 031. The following is our understanding of these discharges.

1. IRV 021 and IRV 022: This location drains storm water runoff from The Irvine Company's golf course (golf course), Crystal Cove State Park and, possibly, the Caltrans Pacific Coast Highway right-of-way. This location has also occasionally drained non-storm runoff from the pond at the golf course landward of Pacific Coast Highway.
2. IRV 027: This is the site of non-storm water drainage in the coastal bluff, from a sub-surface seep. The seep drains shallow ground water originating from the golf course irrigation and likely from the housing development landward of the golf course. The seep empties out directly into the ASBS. This location also drains storm water runoff from the Crystal Cove State Park and possibly from Caltrans Pacific Coast Highway right-of-way and the golf course.
3. IRV 031: This is the site of a storm water conveyance that drains non-storm water runoff and storm water runoff from the golf course and the Pelican Point housing tract.

The discharge from IRV 031 is unquestionably subject to the ASBS discharge prohibition. Further, in general, staff considers all discharges adjacent to and/or on the seaward side of the Pacific Coast Highway that drain directly from the coastal bluffs into the ocean to fall within the

ASBS waste discharge prohibition. Staff is nevertheless still considering the applicability of the prohibition to the other named discharges. Staff also notes that "waste" is defined in the California Ocean Plan (Ocean Plan) as the "total discharge, of whatever origin." Therefore, all non-storm and storm water runoff constitute waste discharges and are prohibited.

I wish to correct a misunderstanding. In a meeting on December 9, 2004, Mr. Martinson and staff did not make a definitive statement regarding The Irvine Company's need to apply for an exception. Instead, we stated that we would consider the relationship between The Irvine Company's discharges and the other entities co-located adjacent to the Irvine Coast ASBS and discuss this further with you. At that time, you were considering an earlier response to our letter of October 18, 2004.

We are aware that The Irvine Company is not the only property owner that may contribute to these discharges. On October 18, 2004, the State Water Board also notified Newport Beach, Laguna Beach, State Parks Department of Recreation (State Parks), and Caltrans of their need to comply, and we also copied Orange County (the primary Phase I Stormwater permittee.) In our December 9, 2004 meeting, you informed us of the Pelican Point homeowners' contribution of runoff to the golf course drain at IRV 031 and asked us to notify them as well. We agreed and subsequently notified the Pelican Point Community Association of its need to comply as well.

On January 25, 2005, Mr. Martinson sent an email message to you stating that we were aware that "Irvine Company discharges actually run across State Parks property and then into the ASBS. Also the Pelican Point Community Association, representing a housing development, may be responsible for a portion of the discharge. This situation may [emphasis added] require State Parks to be lead agency in seeking an exception to the Ocean Plan. Irvine Company and the Pelican Point Community Association will be required to jointly participate as an exception [emphasis added] is prepared to address the discharges."

Since that time, we have discussed this issue with State Parks and have evaluated The Irvine Company's discharges. We are also now in the process of preparing documentation to develop special protection to address storm water and nonpoint source discharges into ASBS. We have determined that The Irvine Company must cease the pertinent discharges to the ASBS or apply for coverage under the general exception.

In terms of special protections to be determined through the exception process, our primary concern with these locations is the need for eventual cessation, within a reasonable time frame, of non-storm flows that reach the beach. Storm water runoff also must not contain levels of wastes that would alter natural water quality in the ASBS. The staff proposed approach also would include the monitoring necessary to assure protection of the ASBS.

You still may apply for an exception if you so choose. Otherwise, the waste discharge prohibition applies, at a minimum, to IRV 031. If you choose to apply for an exception, you may follow the procedure describe at our Web site, specifically at

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http://www.waterboards.ca.gov/plnspols/oplans/docs/instruct_asbs_opexceptions.pdf, and you may get additional guidance from contacting our staff. Please be aware that the deadline for submitting that information, and requesting coverage under the special protections through the Ocean Plan exception process, is May 31, 2006.

The Irvine Company has indeed been a leader in designing and installing controls to address runoff. We look forward to working with The Irvine Company and other property owners and agencies to eliminate or reduce dry weather flows and clean up storm water runoff into the ASBS. Should you have any questions, please contact me at 916 341-5523 (bfujimoto@waterboards.ca.gov) or Mr. Dominic Gregorio at 916 341 5488 (dgregorio@waterboards.ca.gov).

Sincerely,

ORIGINAL SIGNED BY

Bruce Fujimoto, Chief
Storm Water Section

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