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## CITY OF NEWPORT BEACH

Office of the Mayor

May 28, 2002

Mr. Art Baggett, Chairman  
State Water Resources Control Board  
Post Office Box 100  
Sacramento, California 95812

VIA FACSIMILE: 916-341-5252

RE: The State Board's Revision of California's Clean Water Act Section 303(d) List of Water Quality-Limited Segments -- REGION 8

Dear Chairman Baggett:

The Newport Beach City Council, at its meeting on May 14, 2002, authorized me to issue this letter to the Board relating to your Board's consideration of Section 303(d) listings for water quality-limited segments within and near our community. We appreciate the SWRCB's and RWQCB's attention to these important waterways. Our comments are as follows:

1. Newport Bay Watershed, including the Santa Ana/Delhi Channel and the San Diego Creek. The City supports a finding (as advocated by Defend the Bay) that Newport Bay and its tributaries are water quality-limited due to trash and debris.
2. Santa Ana River. The City supports a finding (as advocated by Defend the Bay) that Newport Bay and its tributaries are water quality-limited due to trash and debris.
3. Buck Gully Creek. The City supports amending the Region 8 Basin Plan to identify beneficial uses for this creek prior to listing it as water quality limited for total coliform and fecal coliform. We believe, however, that these contaminants do cause significant impairments to this creek, which drains into an Area of Special Biological Significance.
4. Los Trancos Creek. The City supports amending the Region 8 Basin Plan to identify specific beneficial uses for this creek prior to listing it as water quality limited for total coliform and fecal coliform. We believe, however, that these contaminants do cause significant impairments to this creek, which drains into an ASBS.
5. Muddy Creek. The City supports amending the Region 8 Basin Plan to identify specific beneficial uses for this creek prior to listing it as water quality limited for total coliform and fecal coliform. We believe, however, that these contaminants do cause significant impairments to this creek, which drains into an ASBS.
6. Newport Beach Shoreline, 1000' Downcoast of the Santa Ana River. We do not believe that this segment of ocean shoreline has any significant record of impairment from total

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coliform or fecal coliform that warrants listing at this time. Our review -- admittedly by laypersons -- of the Orange County Health Care Agency's AB 411 testing data for this stretch of beach does not appear to show a pattern of impairment:

DATE POSTED	AREA POSTED	DATE UNPOSTED	TC	FC/EC	ENT
	Newport Beach - 500' D/C Orange Street (OCSD 3S)	11/02/2000	9000R	500R	262R
	Newport Beach - 1000' D/C of SAR (from closure)	03/08/2001	-	-	-
	Newport Beach - 300' D/C of SAR (from closure)	02/20/2001	-	-	-
03/19/2001	Newport Beach - 150' U/C & D/C of Orange Street	03/20/2001	800	>400	80
08/18/2001	Newport Beach - 150' U/C & D/C of Orange Street (OCSD 3S)	08/19/2001	120	120	200
01/18/2001	Newport Beach - 300' @ Orange Street (OCSD 3S)	01/19/2001	2200	220	32
11/07/2001	Newport Beach - 500' U/C Orange to 500' D/C 52nd (OCSD 3S)	11/08/2001	2200	40 (p)	32
	Newport Beach - 150' U/C & D/C of Orange St (OCSD 3S)	03/24/2002	800	40	134

Specifically, the area was "posted" or closed eight times since mid-1999 when AB 411 took effect. Four of those were one-day spikes in one of the three indicator bacteria. Four of the eight appear unrelated to chronic total coliform or fecal coliform problems (shown in light green above):

- Two events were caused as a precaution and AB 411 obligation following a sewage spill upstream in the Santa Ana River.
- One was a rain-related posting.
- One was a "presumptive" posting which ended up not warranting a posting when fecal counts came in.

All that said, the City believes that the State Board and the Regional Board should focus its limited TMDL-related resources on more problematic areas than this stretch of ocean shoreline. Of particular interest to the City would be the use of additional resources to conduct a thorough update of the Region 8 Basin Plan to establish the appropriate beneficial uses for the creeks mentioned earlier in this letter.

Again, we appreciate the Board's attention to appropriately updating the Section 303(d) list. Please feel free to direct any questions you may have about the City's position to Dave Kiff, Assistant City Manager, at 949-644-3002.

Sincerely,



TOD W. RIDGEWAY  
 Mayor of Newport Beach

- cc: Members of the Newport Beach City Council  
 Mr. Gerry Thibeault, Executive Officer of CRWQCB, Region 8  
 Ms. Vicki Wilson, Orange County Public Facilities and Resources Department  
 Dave Kiff, Assistant City Manager  
 Members of the Watershed Executive Committee