# CHAPTER 9
# Water Quality



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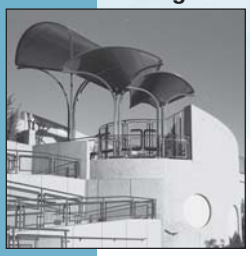



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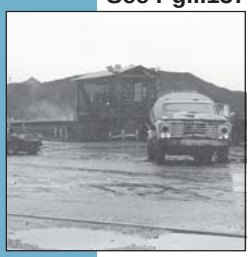


## Point & Non-Point Source Pollution

There are two main sources of water pollution regulated by the federal Clean Water Act: point sources and non-point sources.

Initial efforts to protect water quality on a national level focused on point sources, which are facilities such as factories and sewage treatment plants that discharge polluted water out of pipes or other discernable points into the environment.

Under the Clean Water Act, National Pollution Discharge Elimination System (NPDES) permits must be obtained for point sources. These permits reduce water pollution by setting acceptable levels for point source discharges. Through this permitting system, we have made great strides in reducing point source pollution nationwide.

Non-point sources of water pollution, including forestry, construction, and runoff from streets and highways, are more difficult to control, and are not subject to NPDES permit requirements. A very high percentage of our water pollution comes from non-point sources.

CEQA has become increasingly important in protecting and improving water quality as more of the focus of efforts to protect California's water quality has shifted to non-point sources.

*Written by PCLF Staff.*

# *CEQA* and the State's Evolving Efforts to Protect California's *Water Quality*

*By Andrew H. Sawyer*

California's core water quality law, Porter-Cologne Water Quality Control Act, administered by the State Water Resources Control Board (SWRCB) and the nine regional water quality control boards (RWQCB), was enacted in 1969. In part because of federal requirements, the initial focus of the program was to apply stricter controls to sewage treatment plants and industrial dischargers.

Most regulatory activities were exempt from CEQA, either because there were no adverse impacts or the statutory exemption for point source regulation (NPDES permits) applied. CEQA review focused on the non-water quality impacts of local assistance.

**As the focus of water quality regulation shifted from point sources to stormwater runoff and non-point sources, CEQA has become increasingly important in protecting water quality.**

The SWRCB administered a program of state and federal grants for sewage treatment plant construction, a program that at that time included funding for expanding treatment capacity, not just upgrading treatment. The Brown administration, seeking to get a handle on air quality impacts of urban growth, used CEQA to impose treatment capacity limitations. This practice ended after the Legislature amended CEQA in 1976 to restrict the authority of a responsible agency.

Since that time the SWRCB, as a responsible agency, has limited its review to water resources impacts when it awards grants and loans to public agencies.

Making use of a functionally equivalent process authorized in a 1975 amendment to CEQA, the SWRCB and the RWQCBs integrate environmental documentation into Porter-Cologne Act planning, allowing the same document to meet the requirements of both statutes.

CEQA also requires other agencies to consider the water quality impacts of the activities they approve. The effectiveness of CEQA in this context was undermined for a time, based on the argument that proposed projects would have no significant impact on water quality because the RWQCB would take care of any problems that arose. The courts rejected that approach in *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296.

As the focus of water quality regulation shifted to stormwater runoff and non-point sources, CEQA has become increasingly important in protecting water quality. Environmental groups and, in some cases, water supply agencies and the Attorney General have used


**Since non-point source pollution from stormdrains is exempt from Federal oversight, CEQA's cumulative impacts analysis has become an increasingly important tool to ensure cleaner discharge. Read more on page 135.**

CEQA to require consideration of water quality impacts in connection with a variety of activities, including logging, landfill expansion, stream channelization, construction activities, and new dairies. There has also been a trend towards use of CEQA by dischargers seeking to avoid or delay the applicability of more stringent requirements, but their efforts have generally been unsuccessful.

Overall, CEQA has complemented the State's water quality control program, helping to provide for informed decision-making and encouraging public participation.

*Andrew H. Sawyer is the Assistant Chief Counsel of the California State Water Resources Control Board. The views expressed in this section are those of the author, and do not necessarily reflect the views of the State Water Resources Control Board, its individual members, or the State of California.*

# Learning by Example:

## Implementing Innovative Water Solutions through CEQA Compliance

*By Frances Spivy-Weber*

California is known across the world for its creativity and innovation. Our water protection programs are no exception. From top-notch universities faculty to creative community members, California has a brain trust of individuals generating cutting-edge solutions to safe-guard our water resources. New ideas are being disseminated faster and farther than ever before, but more is needed to make sure that new research is effectively implemented and successful water projects get the public attention they deserve.

Projects subject to CEQA analysis are increasingly able to use the lessons learned from innovative projects, especially those designed to comply with environmental laws like the Federal Clean Water Act and California's own SB 221 which requires large home-building projects to demonstrate the availability of water before approval.

For example, Los Angeles County is partnering with TreePeople in the eastern San Fernando Valley to build and install multiple projects that capture and store stormwater and non-storm runoff on-site or divert water to nearby gravel pits where water can safely seep through the soil to groundwater basins. In Santa Monica, a park-like plant treats dry-weather run off to meet Clean Water standards for the Bay. In the Inland Empire and Orange County, builders landscape new homes with native plants and install smart sprinklers that will not water when it rains. These projects result in improved water quality and useable, local water supplies.

Responding effectively to the growing threats to California's water requires an ongoing learning process. CEQA is uniquely positioned to be an engine of innovation and research, a method for showcasing California's best new ideas. For example, because the public is allowed to comment on proposed mitigations during EIR review, they can suggest new mitigations that may not be known by local planning staff.

Through enlightened environmental review, and informed public comments, CEQA can help us maintain California's reputation as a land of intelligence and a pioneering spirit, guiding us away from business as usual to a creative, sustainable future.

*Frances Spivy-Weber is the Executive Director of the Mono Lake Committee.*

City of Santa Monica

**The Santa Monica Urban Runoff Facility (SMURRF). This innovative park-like facility helps the city meet Clean Water standards for the Bay and could serve as a model for future CEQA water quality mitigation measures.**

# Stormwater Pollution

Every time it rains or snows in California, the state's drinking water supplies, coastal waters, and recreational beaches are contaminated by runoff from urban and suburban areas. As stormwater washes through city streets, parking lots, suburban lawns, and gutters, it picks up a wide array of pollutants, including: oils, grease, road salts, pesticides from lawns and parks, sewage, litter, and toxic metals. While a fraction of this water is collected and treated, the vast majority is directly discharged at discrete points called outfalls into streams, rivers, coastal waters, and the ocean.

This problem, known as stormwater pollution, has become a critical concern in California's coastal regions. Indeed, recent studies have demonstrated that urban stormwater rivals and in certain cases exceeds sewage treatment plants and large factories as a source of damaging pollutants. As the state's coastal cities continue their rapid growth, the environmental and economic effects of stormwater pollution will become increasingly severe.

The four major categories of stormwater pollutants and their effects are:

*Continued on the following page.*

# The Mission Bay Project:

## New Stormwater Mitigations Reduce Sewage Overflows in San Francisco Bay by 30 Million Gallons Each Year

*By Mike Lozeau*

A striking example of how CEQA fosters negotiation and innovation on development projects was the agreement between San Francisco's environmental community and Catellus Development Corporation over the 300 acre Mission Bay project in San Francisco.

The proposed development of over 6,000 housing units, a forty-three acre University of California campus, and millions of square feet of office space was designed originally to plug its sewage lines into the City's combined sewer system. The plan also called for the installation of concrete riprap along the Islais Creek shoreline and other features potentially damaging to San Francisco Bay. San Francisco is one of the few west coast towns with a combined sewer system. When the same pipes handle both sewage and storm water, storms can cause massive overflows of sewage.

**The original Mission Bay proposal would have increased sewage overflows by 2 million gallons per rainy season.**

At the time it was considering the Mission Bay project, San Francisco discharged about 110 million gallons of combined sewage overflows into San Francisco Bay from the eastern edge of the City. In addition to sewage, much of the shoreline of the City on the Bay side was rip-rapped, limiting the habitat for birdlife and other animals. Instead of taking the opportunity to help cure some of these chronic problems, the original version of the Mission Bay proposal would have increased the sewage overflows by 2 million gallons per rainy season and maintained unsightly riprap along Islais Creek.

San Francisco BayKeeper spear-headed a coalition of San Francisco-based environmental groups who were interested in the Mission Bay Project and other developments slated for San Francisco's waterfront areas. The upcoming CEQA process molded the behavior of both the advocacy community and the developer.

The availability of the CEQA process gave advocacy groups a framework to organize around and the confidence to approach Catellus even prior to release of any draft documents. The CEQA process, including both the City's review and potential court challenges, gave Catellus a strong incentive to negotiate with the coalition. Lastly, once the groups and Catellus realized their various ideas could be mutually beneficial, their discussions led to environmentally-beneficial innovations in the project that created additional certainty for the company.


**Aerial view of San Francisco, showing the Mission Bay project. CEQA mitigations resulted in a reduction of sewage overflows by an estimated 30 million gallons per year. The agreement also included the installation of state of the art stormwater filtration systems and the creation of wetlands habitat.**

In the end, Catellus agreed to changes in the project that separated the new development's storm water from the City's combined sewer system, reducing sewage overflows by an estimated 30 million gallons per year. The development also includes state-of-the-art storm water filtration systems at five storm water outfalls to the Bay. The company also is creating wetland habitat along the public park slated for Islais Creek. The developer also assembled a team of consultants to evaluate the feasibility of further reducing storm water pollutants through playing- field sand filters and other possible innovations.

**The discussions and process fostered by CEQA made it possible to achieve substantial environmental improvements on seemingly intractable pollution and shoreline issues.**

Although the environmental groups did not get everything they wished for, the discussions and process fostered by CEQA made it possible to achieve substantial environmental improvements on seemingly intractable pollution and shoreline issues among parties who, prior to the discussions, could only have assumed the worst of each other. And this was done without a threat of litigation, in a way that fostered ongoing trust amongst all of the parties and, it turns out, with increased certainty and less expense for the developer.

*At the time of the Mission Bay Project approval, Mike Lozeau was the Executive Director of San Francisco BayKeeper and a lead negotiator for the environmental community over the terms of the project. From 1999 to 2004, Mr. Lozeau was a staff attorney with the Earthjustice Environmental Law Clinic and a Lecturer on Law at Stanford Law School. In January 2005, he returned to private environmental law practice in San Francisco.*

*Continued from the previous page.*

**Bacteria, Protozoa, and Viruses:** These pathogens, generally from raw or partially treated sewage, pose serious health risks to humans who swim in beach waters or eat contaminated shellfish. Victims have reported a variety of symptoms after swimming in polluted water, including fever, vomiting, chills, and gastrointestinal illness.

**Oils, Trash, and Other Pollutants:** These pollutants can clog fish gills, decrease the survival and reproductive rates of fish, and decrease the amount of free oxygen in the water.

**Toxic Metals:** Contaminants like copper, lead, and mercury can cause miscarriages, reproductive toxicity, brain atrophy, and birth defects in humans.

**Excess Sediments and Nutrients:** High concentrations of sediments or nutrients (like nitrogen and phosphorous) can disrupt coastal ecosystems by destroying entire populations of algae or by causing massive algal blooms. These algal blooms are often toxic and harmful to humans or other marine creatures.

*Written by PCLF Staff.*

For more information, see: *Stormwater Pollution: Causes, Impacts and Solutions*, by Marianne Lowenthal, Planning and Conservation League Foundation, 2003.

# Changing Course:

## CEQA Review Confirms *Massive Water Contamination* at the Port of LA; Port Joins in Suit against Polluters and *Clean Up Begins*

*By Daniel Cooper*

For over thirty years, the Port of Los Angeles co-operated a bulk materials shipping facility on the main channel of inner San Pedro Harbor, first with National Iron and Metal and American Bulk Loading, and later with Kaiser International. The facility handled copper concentrates, scrap metals, and petroleum coke and coal, among other things.

Santa Monica Baykeeper began investigating the site in 1997, when it was leased by Kaiser International. The operation consisted of an eighty-foot high pile of black, powdery petroleum coke extending at least 500 feet along a pier immediately adjacent to the water. Petroleum coke is the remnant material from oil refining (the "bottom of the barrel") and contains heavy metals, polyaromatic hydrocarbons, and other toxic pollutants.

Coke was shipped to the site via railcars, dumped on the pile, and carried via a conveyor to ships at the pier. The waste pile, the transfer conveyor, and in fact, all operations were completely uncontained. Afternoon winds skimmed oily black powder off the pile into the water on a daily basis. Both the Coast Guard and nearby boat owners had repeatedly complained to the Port, the City, and the Air Quality Management District about the black sticky powder raining down on their vessels. Conveyor transfer spilled the material directly into the Bay, while vehicle tracking, rain water during storm events, and virtually every other step in Kaiser's operations spread coke throughout the area and into Harbor waters. Green staining and small piles of copper concentrate, a material highly toxic to marine organisms, could be seen at various locations near the Bay.

This pile of petroleum coke and coal was immediately adjacent to the inner harbor. Virtually every step in Kaiser's operations spread coke throughout the area and into harbor waters.

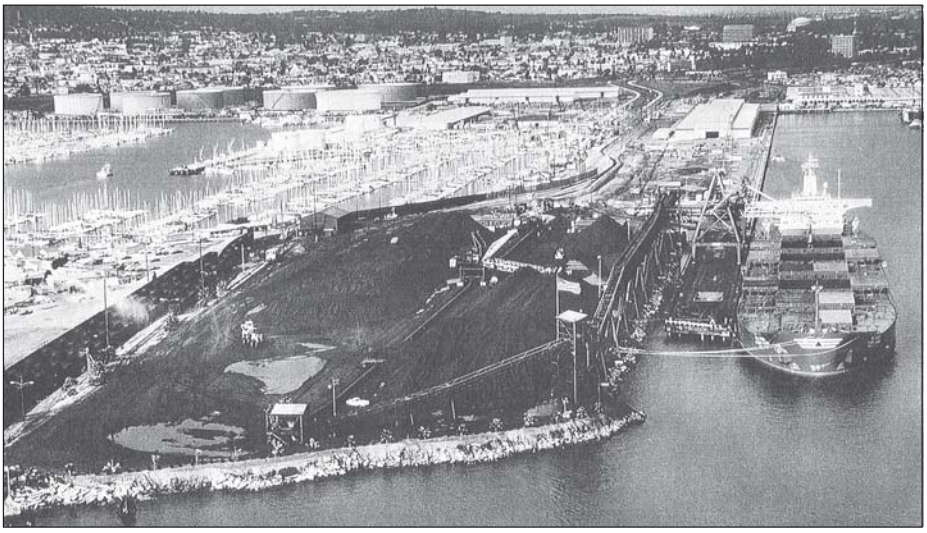
**Both the Coast Guard and nearby boat owners had repeatedly complained to the Port about the black sticky powder raining down on their vessels.**

Baykeeper began its enforcement action against Kaiser for violations of the Federal Clean Water Act and the Resource Conservation and Recovery Act in 1998. Within hours of the filing of Baykeeper's complaint, Kaiser "ceased" operations in an effort to avoid its liability for the contamination. While Baykeeper actively sought the cooperation of the Port in forcing Kaiser to pay for clean up, instead the Port defended Kaiser, compelling Baykeeper to add the Port to the enforcement action. For three years Baykeeper, Kaiser and the Port litigated the issue of the Federal Court's Jurisdiction over the action. During this period the Port removed most of the site's equipment, as well as the pile, but coke and copper contamination remained uncontained on the site and on the harbor bottom. By 2001, Baykeeper was prepared to seek summary judgment on the Port and Kaiser's liability for thousands of violations of Federal Law.

In 2001, the Port elected to prepare the site for rental for other operations. The Port determined that, after remaining completely unaddressed for three years, site clean up operations were an "emergency," warranting the circumvention of environmental review pursuant to CEQA. On site contamination, storm water runoff,

and other impacts from past operations, as well as traffic and light impacts from the proposed new development, warranted a few sentences each in the environmental assessment.

Joining with San Pedro citizens, Baykeeper sued in State Court seeking environmental review consistent with CEQA. At the same time, the Natural Resources Defense Council (NRDC) began its challenge to the Port's environmental review of the China Shipping project (see pg. 25).



After extensive contamination was discovered at the Kaiser International Pier in 2002, the Port finally changed course and joined with NRDC and Santa Monica Baykeepers to demand that Kaiser International clean up the site.

Further, in 2002 the Port began investigating contamination in Bay sediments off the Kaiser site in anticipation of dredging to allow cruise ship operations in the area. Coke and copper concentrates were found covering the bottom at depths of up to eleven feet. Combined with the mounting pressure from Baykeeper and NRDC's lawsuits, and statements from the Mayor's office relating to the Port's responsibility to area residents, the discovery of this extensive contamination led to an about-face by the Port. In 2002, the Port added cross claims against Kaiser, American Bulk Loading, and National Metals in Baykeeper's Federal Lawsuit, seeking to recover clean up costs for both the harbor bottom and the upland site. In addition, the Port settled both the Federal and CEQA lawsuits with Baykeeper.

**Petroleum coke and copper concentrates were found covering the bottom of the pier at depths of up to eleven feet.**

Service vehicles tracked petroleum coke, coal, oil and grease across the Kaiser International pier. In 2001, the Port determined that, after remaining completely unaddressed for three years, site clean up operations were an "emergency," warranting circumvention of environmental review pursuant to CEQA.

The Port committed to non-industrial uses for the Kaiser site, and paid for environmental restoration projects in the affected area.

In addition, the Port agreed to substantial improvements in its environmental review process, including improved consideration of air and water impacts, and substantially improved public notice and public participation.

Finally, the Port dredged and disposed of much of the bottom contamination as hazardous waste, at a cost of over eleven million dollars. Litigation against the site operators continues in an effort to recover some of the clean-up costs.

Baykeeper's CEQA challenge and the resulting settlement led to a significant clean-up. Just as importantly, they improved the Port's environmental review process in such a way that might prevent the environmental destruction and costs to the public caused by similar operations in the future.

*Daniel Cooper is a partner with Lawyers for Clean Water, a law firm representing grass roots environmental organizations throughout California to protect water quality.*

# CEQA and the San Joaquin Reservoir Conversion:

## Keeping Sewage out of Newport Bay

*By Kevin K. Johnson and Jared P. Hanson*

One of the primary purposes of CEQA is to ensure that all projects are subjected to scrutiny to determine what environmental impacts may result. This is particularly important for projects which may seem, at first blush, to have environmental benefits. For such projects, the scrutiny required by CEQA forces agencies to address and mitigate adverse environmental impacts that might otherwise be overlooked or ignored.

One such project was the Irvine Ranch Water District's (IRWD) decision to convert the San Joaquin Reservoir, located upstream of Newport Bay, from potable water storage to reclaimed water storage. At the time, the reservoir had sat empty and unused for several years due to water quality problems.

The goal of the project, according to the IRWD, was to increase the use of reclaimed water and, therefore, increase water conservation. However, the conversion and the operation of the facility had several environmentally adverse and potentially dangerous consequences.

Defend the Bay, a non-profit public benefit corporation dedicated to protecting Newport Bay and other public areas from environmental harm, challenged the IRWD's decision to approve the project without preparing an Environmental Impact Report. Defend the Bay and others (including the City of Newport Beach), presented extensive evidence that the project would have adverse environmental impacts on many fronts, including water quality, biological resources, and public health.

**Seepage from the bottom of the reservoir would have released over 4.5 million gallons per week of sewage effluent into the Newport Bay watershed.**

For instance, the project would store up to 3,000 acre feet of reclaimed water, or, as the IRWD's own consultant referred to it, "sewage effluent." Reclaimed water contains substantially higher levels of nutrients than potable water. As such, reclaimed water creates a serious threat to impairing water quality when it is released into surface or groundwater.

IRWD conceded that the seepage from the bottom and sides of the reservoir would be approximately one cubic foot per second (cfs). Although one cfs per second does not sound like much, it amounts to the release of over 645,000 gallons per day, or 4.5 million gallons per week of sewage effluent. Moreover, IRWD indicated that periodic cleanings of the reservoir may necessitate discharging the contents of the reservoir downstream.

The seepage of so much nutrient-rich reclaimed water into the groundwater and the watershed had potentially adverse impacts to public health, the water quality of Newport Bay, and the surrounding habitat. For example, the increased nutrients and moisture in the soil could result in non-native species invading the surrounding California coastal sagescrub, negatively impacting the threatened California gnatcatcher, whose presence in the area was confirmed.

In addition to the water quality impacts, IRWD planned to store at the site twelve one-ton containers of chlorine, a hazardous material. The potential danger of a hazardous chlorine gas release was underscored by the fact that the reservoir was located between and upwind from two residential neighborhoods.

In addition to storage of the containers at the site, IRWD planned to transport six new one-ton containers of chlorine through the residential streets to the facility every week. IRWD, however, had not assessed the risks nor analyzed any

alternative to the use of chlorine and/or the storage of such large amounts on site. Rather, it only indicated intent to develop a risk management plan after it approved the project.

Defend the Bay filed suit in Orange County Superior Court. (*Defend the Bay v. Irvine Ranch Water District, Orange County Superior Court Case No. 01CC01034.*) It argued that an Environmental Impact Report was necessary to assess the potential impacts of the project and analyze what means were available to mitigate and/or avoid them. The Court agreed and, in September 2001, issued a writ of mandate directing IRWD to rescind its approval of the project and to approve it only after the preparation and consideration of an Environmental Impact Report.

Following the Court's order, IRWD prepared an Environmental Impact Report which considered all the issues discussed above as well as others addressed in the litigation. The EIR process resulted in IRWD fully assessing the potential environmental and public health impacts brought about by the project and, just as importantly, developing the mitigation measures necessary to address those potential impacts prior to its approval of the project.

**Through the EIR process, the Water District committed itself to installing a system to capture the seepage and remove excessive nutrients from downstream waters.**

IRWD's response to all these environmental concerns was to either ignore them or to state that it would figure out how to deal with them after the project was approved. It therefore approved the project by a mitigated negative declaration rather than an Environmental Impact Report.

For example, with respect to seepage, IRWD committed itself to installing a system to capture the seepage and re-pump it back into the reservoir, and to incorporate a nutrient exchange well downstream to remove excess nutrients. In addition, IRWD abandoned its plan to use chlorine, and committed instead to using a sodium hypochlorite disinfection system, which is considered a safer method. It also altered the delivery route for safety considerations.

As a result of the analysis required by the EIR process, IRWD ended up with a project which still met its needs, but which also mitigated the potential environmental and public health impacts that otherwise would have been ignored.

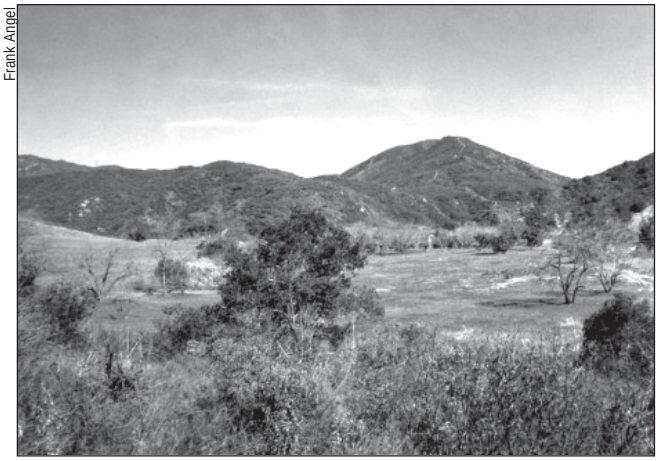
The San Joaquin Reservoir just east of Newport Beach's city limits. In 2000, The Irvine Ranch Water District proposed converting the reservoir from potable to reclaimed water, with a stated goal of increasing local water conservation. The use of CEQA helped ensure that the environmentally adverse and potentially dangerous elements of the reservoir conversion were not ignored.

*Kevin K. Johnson and Jared P. Hanson are attorneys at Johnson & Hanson, LLP. The firm represented Defend the Bay in this case.*

# Equestrian Estates in Silverado Canyon:
## Protecting Orange County's Water Quality

*By Frank P. Angel and Ed Grutzmacher*

Water quality is of great interest to the citizens of Orange County and other coastal jurisdictions, which are struggling to reduce pollution from urban runoff. Concern is growing not only for affected fish and wildlife species but humans as well. Popular surfing spots along most of Orange County's coast have long been plagued by recurring bacterial contamination and pollution from cancer-causing chemicals and metals, carried in increasing volumes of stormwater runoff and dry weather urban runoff associated with increasing urbanization. Frequent beach closures from high bacterial counts in coastal waters interfere with the public's historic right of access to the ocean and reduce tourism-oriented revenue. Fortunately, an important 2004 CEQA suit brought by an Orange County environmental advocacy group, Rural Canyons Conservation Fund (RCCF), has opened the door to cleaner runoff and improved water quality in Orange County and across the state.



Frank Angel

**Developers planned to build an equestrian estate subdivision on this section of the Holtz Ranch in Orange County. Because of CEQA, the Rural Canyons Conservation Fund was able to ensure that the impacts of horse waste on local water supplies would be identified and mitigated.**

In 2003, Las Vegas-based CCRC Farms, LLC submitted an Environmental Impact Report (EIR) for an equestrian estate subdivision on 70 acres of open space in Orange County's Silverado Canyon. The site of the subdivision is part of a larger property known as Holtz Ranch, located along a major gateway to and within the boundaries of Cleveland National Forest, the southern-most national forest in California, separating Orange and Riverside counties. Stormwater runs off the hills of Silverado Canyon into Silverado Creek, then into Santiago Creek, a recovery area for the endangered Arroyo Toad. It joins with the Santa Ana River and finally empties into the Pacific Ocean near Newport Beach.

The subdivider proposed to build twelve single-family estates on lots averaging 5.3 acres, as well as roads and other infrastructure facilities. The project design placed the building pads mainly on gradually sloping land surrounded by a "bowl" of hills, with the pads extending into and forcing grading in the hills.

Local residents were initially concerned about the proposal because the equestrian estates would accommodate horse barns and facilities. Equestrian uses are known to generate wastes containing contaminants such as nitrates, arsenic, copper, selenium and the gastrointestinal disease-causing pathogens Cryptosporidium, Giardia Lambia and Salmonella. According to the EPA, the average horse produces about forty-five pounds of fecal waste each day, raising the prominence of adverse project impacts on water quality.

In this case, the project EIR claimed, without supporting evidence, that existing baseline water quality conditions were worse than future conditions with the project. The EIR simply based this claim on the fact that portions of Holtz Ranch had been used for agricultural purposes decades ago, stating that pollutants such as sediments, nutrients, and pesticides are "generally considered" to be pollutants associated with agricultural uses. Because of the EIR's inadequate analysis of water quality impacts, RCCF challenged the County's approval of the EIR.

The Orange County Superior Court found unacceptable the lack of any study to determine what pollutants, if any, currently flow into nearby Silverado Creek from Holtz Ranch. Judge C. Robert Jameson wrote that "[w]ithout a baseline study identifying the types and amounts of pollutants currently existing in storm water runoff, the actual effects of the project on surface water quality cannot be compared and determined, nor can the adequacy of any mitigation measures be assessed."

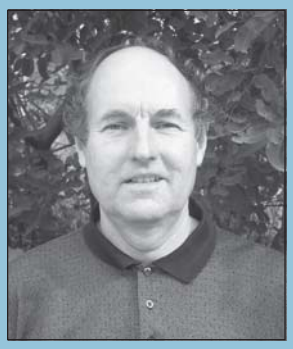
**The court repudiated a practice which appears to have been common in Orange County, allowing developers to wait until after a project is approved to determine how they will protect water quality.**

The court in this case repudiated a practice which appears to have been common in Orange County, of allowing developers to wait until after a project is approved to determine how they will protect water quality. RCCF hopes the court's ruling will encourage the county to change its old ways and ensure that future project EIRs disclose to the public and county decision makers all information relevant to protecting stream and coastal water quality, including detailed and comparative data about available measures to reduce or capture pollutants before they percolate into the site's groundwater, escape into its drainage channels, or reach off-site streams.

Already, the county has chosen not to appeal the court's judgment. In an upcoming supplemental EIR review process ordered by the court, concerned citizens, public interest stakeholder organizations, their experts, and the county's own officials now will have the opportunity to learn about the relevant site-specific water quality baseline, and to assess actual water quality impacts associated with storm water runoff, urban runoff and construction-related activities. In addition, they will have the opportunity to play an active role in the evaluation and selection of impact mitigations that will help improve water quality in Orange County.

We should note that while tough mitigations in this case alone will not clean up Orange County's polluted coastal waters, the runoff polluting these waters stems from "a thousand points of non-point pollution," and if each new project is to incorporate the strictest water quality impact mitigations, the incremental and cumulative benefit for water quality will be significant.

*Frank P. Angel and Ed Grutzmacher of the Santa Monica-based Law Offices of Frank P. Angel (LOFPA) served as legal counsel for the CEQA plaintiff, RCCF. LOFPA specializes in representing environmental organizations and citizen groups in environmental, Coastal Act, and land use disputes before administrative decision makers and the courts.*



**Ray Chandos** is a teacher of electronic technology at Irvine Valley College. He founded the Rural Canyons Conservation Fund in 1983 when the Orange County Board of Supervisors approved plans for a four-lane highway through rural Trabuco Canyon where he had hiked since he was a young boy.

Since that eye-opening experience, Ray has become his own teacher, learning how the judicial system works, discovering how land use decisions are made, and reading up on the latest CEQA decisions in the local law library.

CEQA continues to be an essential tool for the Fund. "Unless people know what's going on and put up a fight, local government will be pressured by development interests to ignore the laws and policies that protect the environment. CEQA provides the alarm bell. Then, it's up to us."

Ray admits that it's an uphill battle. "When people join the Rural Canyons Conservation Fund I joke that they'll spend more time in law libraries and at public hearings than in the great outdoors. But it's worth it. It's the least I can do for my son and his generation."