



February 20, 2015

*VIA ELECTRONIC MAIL ONLY*

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
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**Subject: Comment Letter - Statewide Bacteria Objectives - Scoping Comments**

Dear Ms. Townsend,

OC Public Works appreciates the opportunity to comment on the scoping document for the Proposed Statewide Water Contact Recreation Bacteria Objectives Amendments to Water Quality Control Plans for Inland surface Waters, Enclosed Bays and Estuaries and the Ocean Waters of California (Proposed Amendments). Elevated bacteria levels are one of the most significant water issues facing Orange County and the Proposed Amendments represent significant and timely improvements, based on enhanced scientific knowledge, over the objectives currently used by the State and Regional Water Boards. By proposing statewide objectives, consistent with the United States Environmental Protection Agency 2012 Recreational Water Criteria for Bacteria (2012 RWQC), the State Board is providing efficient and consistent implementation across the State and avoiding potential inconsistencies in counties such as our, which are regulated by two Regional Water Boards.

OC Public Works has reviewed the comment letter from the California Stormwater Quality Association and supports its comments. The following comments are in response to the Information Document for the Public Scoping Meeting for the Proposed Amendments dated January 7, 2015:

**Element 4: High Flow Exemptions of Objective for Freshwater** - We strongly support the high flow suspension recommendation and agree that during high flow conditions, most rivers and engineered channels are unsafe to recreate, therefore any REC-1 standard would be inconsequential compared to the physical harm or loss of life that is inherent in being in these water bodies under storm conditions. We would also request the State Water Board to consider the inclusion of low flow suspensions because many rivers and engineered channels, especially in Southern California, are either intermittent, ephemeral, inaccessible, or so

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shallow that REC-1 activities (as defined by the EPA 2012 Guidance as 'swimming, bathing, surfing, water skiing, water play by children, and similar water contact activities where a high degree of bodily contact with the water, immersion, and ingestion are likely') are simply not possible.

**Element 7: Mixing Zones for Point Sources** - We recommend the State Board to consider allowing mixing zones for small areas near a storm drain (option #2). Without the allowance of a mixing zone, channels or storm drains that have no assigned beneficial uses but drain to the ocean or a REC-1 water will be virtually treated as REC-1 waters. In the State Board's Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), mixing zones are allowed in the calculation of effluent limits for pollutants with human health criteria. Even though stormwater is excluded in the SIP, the scientific and practical considerations embedded in the SIP should be applicable to implementation of bacterial stormwater discharges as well.

**Revision of REC-2 Objectives** - REC-2 objectives should be considered as part of the Proposed Amendments. There is currently no scientific basis for the existing fecal coliform REC-2 objective and it may become highly problematic in waterbodies where REC-1 uses may be suspended or where only REC-2 applies. The anti-degradation approach proposed by Santa Ana Water Board should be considered as a statewide model for addressing this issue.

Thank you for considering our comments on the scoping document of the Proposed Amendment. If you have any questions, please contact Chris Crompton at (714) 955-0630 or Jian Peng at (714) 955-0650.

Sincerely,



Mary Anne Skorpanich, Deputy Director  
OC Environmental Resources

cc: Orange County Permittees  
Orange County Technical Advisory Committee