

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF FINANCIAL ASSISTANCE
NOVEMBER 1, 2011**

ITEM 3

SUBJECT

CONSIDERATION OF A RESOLUTION TO ALLOCATE UP TO \$492,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA) TO CONTINUE THE BEACH SAFETY PROGRAM (PROGRAM)

DISCUSSION

In 1997, Assembly Bill (AB) 411 (Stats.1997, Ch. 765) mandated that beaches with storm drains that discharge during dry weather and are visited by more than 50,000 people per year be monitored at least weekly from April 1 through October 31 by the local health officer or environmental health agency. Beginning in 1999, the Department of Health Services (now the Department of Public Health) (DPH) promulgated regulations implementing AB 411. The regulations required that local officials post warning signs at beaches that exceed standards set by the DPH. In 2004, AB 1976 (Stats. 2004, Ch. 709) expanded the AB 411 monitoring requirements to the San Francisco Bay area beaches. The monitoring provisions are not mandatory in years the state does not provide sufficient funds.

DPH funded counties to implement the Beach Safety Program using General Funds. During Fiscal Year 2007-2008 DPH distributed a total of \$1,098,851 for the Beach Safety Program. The Program's proposed budget for Fiscal Year 2008-2009 was reduced by ten percent to \$984,000. However, the Governor used line item veto authority to delete the program funding from the Budget due to the severe General Fund deficit.

Pending identification of a sustainable long-term funding source, the State Water Resources Control Board (State Water Board) provided Proposition 13, Proposition 50, and ARRA funds to DPH to continue the Program through December 31, 2011.

On October 8, 2011, the Governor signed Senate Bill (SB) 482 transferring authority over water quality monitoring at beaches from DPH to the State Water Board. SB 482 also provides the State Water Board with means of funding the Program through waste discharge permit fees (WDPF) effective July 1, 2012. The CAA will provide monitoring funding for the period of January 1 to June 30, 2012.

State Water Board staff has determined that the Program meets CAA Program Preferences 1 (Emergency Cleanup Projects - Public Safety) and 8 (Completion of a study/plan and/or monitoring addressing significant statewide water quality problems).

ENVIRONMENTAL IMPACT

The State Water Board will contract with county environmental health agencies to collect water samples and analyze them for fecal indicator bacteria. State Water Board staff determined the Program qualifies for Class 6 (Class 6: Basic data collection, research, experimental management, and resource evaluation activities) categorical exemption from CEQA requirements and will not result in any significant adverse water quality impacts.

REGIONAL WATER BOARD IMPACT

The Program affects all coastal Regional Water Boards.

FISCAL IMPACT

As of December 7, 2010, the uncommitted CAA balance is estimated to be no less than \$9 million according to the most current data.

POLICY ISSUE

Should the State Water Board:

- (1) Approve up to \$492,000 of CAA funds to continue to fund the Beach Safety Program for the period of January 1, to June 30, 2012?
- (2) Authorize the Deputy Director of the Division of Water Quality to issue appropriate Contracts and any amendments to implement the Program?

STAFF RECOMMENDATION

That the State Water Board:

- (1) Approve up to \$492,000 of CAA funds to continue to fund the Beach Safety Program for the period of January 1 to June 30, 2012; and
- (2) Authorizes the Deputy Director of the Division of Water Quality to issue appropriate Contracts and any amendments to implement the Program.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

TO ALLOCATE UP TO \$492,000 FROM THE CLEANUP AND ABATEMENT ACCOUNT (CAA)
TO CONTINUE THE BEACH SAFETY PROGRAM (PROGRAM)

WHEREAS:

1. The Department of Public Health (DPH) administers the Beach Safety Program which includes monitoring beach water quality.
2. The State Water Resources Control Board (State Water Board) provided funding to DPH for beach water quality monitoring through December 31, 2011, pending identification of a long-term sustainable funding source.
3. On October 8, 2011, the Governor signed Senate Bill (SB) 482 transferring authority over water quality monitoring at beaches from the DPH to the State Water Board. SB 482 also provides the State Water Board with means of funding the program through waste discharge permit fees effective July 1, 2012;
4. Water Code Section 13442 authorizes the State Water Board to use CAA funds to assist in cleaning up waste or abating its effects on the waters of the state;
5. State Water Board staff determined the Project meets CAA Program Preferences 1 (Emergency Cleanup Projects - Public Safety) and 8 (Completion of a study/plan and/or monitoring addressing significant statewide water quality problems);
6. State Water Board staff determined the Program qualifies for Class 6 categorical exemption from CEQA requirements and will not result in any significant adverse water quality impacts.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves up to \$492,000 of CAA funds to continue to fund the Beach Safety Program for the period of January 1 to June 30, 2012; and
2. Authorizes the Deputy Director of the Division of Water Quality to issue appropriate Contracts and any amendments to implement the Program.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on November 1, 2011.

Jeanine Townsend
Clerk to the Board