

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION –SANTA ANA REGIONAL WATER BOARD
NOVEMBER 19, 2013**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO AMEND THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN TO REVISE RECREATIONAL STANDARDS FOR INLAND FRESH SURFACE WATERS IN THE SANTA ANA REGION

DISCUSSION

Basin Plan amendments adopted by the Santa Ana Regional Water Board on June 15, 2012 ([Resolution No. R8-2012-0001](#)) revise recreation standards for inland fresh surface waters in the Region. The Regional Board's Executive Officer made non-substantive corrections to the amendments on February 12, 2013. The Basin Plan amendments include replacing established fecal coliform objectives with *E. coli* objectives that are based on the national bacteria criteria recommended by U.S. EPA in 1986, and changes to REC1/REC2 designations for specific surface water segments based on Use Attainability Analyses. Implementation strategies for the revised objectives, including monitoring and the temporary suspension of recreation standards under certain high flow conditions, are also included. The amendments also entail the addition of surface waters not now listed in the Basin Plan and designation of appropriate beneficial uses for those waters. The amendments include the deletion of the total coliform objective for MUN-designated fresh surface waters, and editorial changes. The recreation standards amendments respond to U.S. EPA's direction to states to implement recommended *E. coli* criteria and provide for focused attention on waters where public health is most likely to be affected by water quality conditions. Upon approval and implementation, the amendments would provide superior public health protection for recreational users.

The amendments are the culmination of a multi-year task force process initiated in response to the 2002 triennial review of the Santa Ana Region Basin Plan. Numerous stakeholders (125 parties/54 agencies on the mailing list) throughout the Region participated in the process regularly. These stakeholders included nongovernmental organizations and resource/regulatory agencies, including the U.S. EPA, Region 9. Funding was provided by 5 stakeholder agencies. The Regional Water Board is a signatory to the Task Force agreement and Water Board staff played a key role in the development of the amendments. The Task Force process was characterized by open communication and invitations for participation by all interested parties. Development and consideration of the amendments was governed by commitments to objectivity, to conformance with applicable law and regulation, and to the best available science.

POLICY ISSUE

The changes to the recreation water quality objectives for fresh waters are based on U.S. EPA's 1986 national bacteria quality criteria and associated U.S. EPA guidance and regulation (the 2004 BEACH Act Rule). The key policy issue is whether the recreation objectives amendments conform to pertinent water quality standards requirements and should be approved and implemented to improve public health and beneficial use protection. With respect to the other amendments (in particular, the de-designation of REC1 and, in some cases, REC2 designations for specific surface waters based on Use Attainability Analyses), the issue is whether these

changes are appropriate and justified pursuant to applicable water quality standards regulations and will ensure the reasonable protection of beneficial uses.

In late 2012, U.S. EPA published revised bacteria criteria recommendations for primary contact recreation. The statewide bacteria objective development effort has awaited the publication of the revised U.S. EPA criteria. Given these circumstances, the policy issue that is expected to arise is whether consideration of the Santa Ana Water Board amendments, or relevant portions thereof, should be postponed pending the development and approval of the statewide bacteria objective policy. While the Regional Board approved bacteria objectives differ from U.S. EPA's new recommended criteria, the Regional Board believes that consideration of all of the amendments should proceed since they provide superior public health protection to the bacteria objectives currently specified in the Santa Ana Region Basin Plan and are scientifically defensible. The Regional Board recognizes that the bacteria objectives may be superseded by those specified in a new statewide policy.

Further, in November 2012, U.S. EPA raised issues regarding a number of elements of the amendments, including the de-designations of REC uses based on Use Attainability Analyses. State Water Board and Regional Water Board staff/Task Force consultants met with U.S. EPA staff in January 2013 to discuss these issues and summary and supplemental information was subsequently provided to U.S. EPA. A follow-up meeting between U.S. EPA and Regional Board staff/Task Force consultants was held in April 2013 at which U.S. EPA requested that the multiple UAA analyses be reported in revised format. Those re-formatted UAA reports were prepared. No substantive changes were made to the standards recommendations that were approved by the Regional Water Board on June 15, 2012.

FISCAL IMPACT

The amendments will require that responsible agencies commit resources to implementation of a bacteria quality monitoring program and to corrective actions if and as directed by the monitoring results and the Regional Board's direction. The amendments are expected to result in cost savings and efficiencies given expected monitoring and control measure emphasis on those surface waters where people are most likely to be engaged in recreational activities that pose a threat to public health.

Santa Ana Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources. The approval of these Basin Plan amendments should streamline current and future workloads.

REGIONAL BOARD IMPACT

Yes. Santa Ana Regional Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the Basin Plan amendments adopted under Santa Ana Water Board Resolution No. R8-2012-0001, with the Santa Ana Regional Board Executive Officer corrections dated February 12, 2013.

2. Authorize the Executive Director or designee to submit the amendments adopted under Santa Ana Water Board Resolution No. R8-2012-0001, as corrected, to the Office of Administrative Law (“OAL”) and to the U.S. EPA for approval.

State Water Board action on this item will assist the Water Boards in reaching Goals 1 and 4 of the Strategic Plan Update: 2008-2012 to protect and restore surface water quality and to comprehensively address water quality protection and restoration. In particular, approval of this item will assist in fulfilling Objective 4.3, Action 4.3.1, by which priority Basin Plan amendment needs are accomplished by collaborating in external stakeholder processes to address Water Board and stakeholder interests, with resources provided by the stakeholders.

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2013-

AMEND THE WATER QUALITY CONTROL PLAN FOR THE SANTA ANA RIVER BASIN TO REVISE RECREATIONAL STANDARDS FOR INLAND FRESH SURFACE WATERS IN THE SANTA ANA REGION

WHEREAS:

1. On June 15, 2012, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) adopted [Resolution No. R8-2012-0001](#), approving amendments to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) that revise recreational standards for inland fresh surface waters in the Region. The Santa Ana Water Board's Executive Officer made non-substantive corrections to the amendments on February 12, 2013. The amendments include an implementation plan for the revised recreational standards. The amendments also include the addition of surface waters to the Basin Plan and designation of beneficial uses for those waters. The amendments delete the established total coliform objective for MUN-designated waters and include other, editorial changes.
2. The State Water Board finds that, in amending the Basin Plan, the Santa Ana Water Board complied with the requirements set forth in sections 13240, 13241, 13242 and 13244 of the Water Code.
3. The Santa Ana Water Board found that the amendments would not result in a lowering of water quality and were thus consistent with state and federal antidegradation policies (State Water Board Resolution No. 68-16; 40 CFR 131.12). The State Water Board agrees with these determinations.
4. Pursuant to Health and Safety Code Section 57004, the amendments were submitted for scientific peer review. The review was conducted in accordance with California Environmental Protection Agency guidelines. Peer reviewer comments were considered in recommendations regarding the amendments.
5. The Santa Ana Water Board conducted requisite analyses of the amendments pursuant to the California Environmental Quality Act (CEQA) and implementing regulations, including those regulations established by the State Water Board (California Code of Regulations, Title 23, Division 3, Chapter 27, commencing with section 3720). In adopting the amendments, the Santa Ana Water Board confirmed Santa Ana Water Board staff's preliminary determination that the amendments could not have a significant effect on the environment and certified the environmental checklist and analysis included as part of the Substitute Environmental Document prepared for the amendments. The State Water Board agrees with the determination that the amendments could not have a significant effect on the environment.
6. The Santa Ana Water Board found that the amendments meet the necessity standard of the Administrative Procedures Act, Government Code Section 11353, subdivision (b). The State Water Board agrees with this determination.

D R A F T

7. The Basin Plan amendments do not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The revisions to water quality standards specified in the amendments must also be approved by the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendments to the Basin Plan adopted under Santa Ana Water Board Resolution No. R8-2012-0001, with the corrections made by the Santa Ana Water Board's Executive Officer on February 12, 2013.
2. Authorizes the Executive Director or designee to submit the amendments adopted under Santa Ana Water Board Resolution No. R8-2012-0001, as corrected by the Santa Ana Water Board's Executive Officer, to the OAL for approval of the regulatory provisions and to U.S. EPA for approval of the water quality standards amendments.

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 Resources Control Board held on November 19, 2013.

Jeanine Townsend
Clerk to the Board