

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 01-018
October 25, 2001

Amendment to the Water Quality Control Plan for the Los Angeles Region to Update the Bacteria Objectives for Water Bodies Designated for Water Contact Recreation

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region.
2. The proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) was developed in accordance with section 13241 of the Porter-Cologne Water Quality Control Act (California Water Code, Division 1, Chapter 4, Article 3).
3. The current Basin Plan contains total and fecal coliform bacteria objectives to protect waters designated for water contact recreation based on recommendations made by the U.S. EPA in 1976.
4. The amendment proposed for adoption into the Basin Plan will update the current bacteria objectives for waters designated for water contact recreation to include objectives for enterococcus, the ratio of fecal-to-total coliforms, and e. coli in addition to objectives for total and fecal coliform.
5. The amendment will revise Chapter 3 "Water Quality Objectives" of the Basin Plan.
6. The proposed amendment is based on more recent epidemiological studies and research on the most appropriate bacterial indicators.
7. Specifically, in 1983 and 1984, additional epidemiological studies were conducted by the U.S. EPA to determine the most appropriate bacterial indicators and corresponding objectives for waters designated for water contact recreation.
8. Based on these epidemiological studies, in 1986 the U.S. EPA revised its recommended bacteria criteria for waters designated for water contact recreation to include enterococcus for marine waters and enterococcus or e. coli for fresh waters.
9. In 1995, the Santa Monica Bay Restoration Project sponsored a local epidemiological study to determine the most appropriate bacterial indicators and corresponding objectives for marine waters designated for water contact recreation.
10. Based on the Santa Monica Bay epidemiological study and other national studies, the California State Legislature passed a law (Assembly Bill 411 (1997)) requiring the California Department of Health Services (Department) to establish minimum protective bacterial standards for waters adjacent to beaches, which include standards for total coliform, fecal

coliform, and enterococci bacteria, or for other microbiological indicators that the Department determines are appropriate.

11. The Department adopted regulations in 1999 that establish minimum protective bacterial standards for waters adjacent to beaches, including objectives for total coliform, fecal coliform and enterococcus as well as an objective for the ratio of fecal-to-total coliforms.
12. In March 1999, the U.S. EPA made a commitment in its *Action Plan for Beaches and Recreational Waters* that “where a State does not amend its water quality standards to include the 1986 criteria, EPA will act under Section 303(c) of the Clean Water Act to promulgate the criteria with the goal of assuring that the 1986 criteria apply in all states no later than 2003.”
13. The U.S. EPA’s 1986 bacteria criteria and the bacteria standards contained in the California Code of Regulations, title 17, section 7958 represent the best science available.
14. The Regional Board has considered the costs of implementing the amendment, and finds these costs to be a reasonable burden relative to the environmental benefits.
15. The proposed amendment results in no potential for adverse effect, either individually or cumulatively, on wildlife.
16. The regulatory action proposed meets the “Necessity” standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
17. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
18. The basin planning process has been certified as ‘functionally equivalent’ to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.).
19. Regional Board staff has prepared a staff report dated July 31, 2001, describing the proposed amendment, and sent the staff report to all known interested persons to allow a 45-day public comment period in advance of the public hearing.
20. The Regional Board held a public hearing on October 25, 2001, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all interested persons and published in accordance with California Water Code, section 13244.
21. The Basin Plan amendment must be submitted for review and approval by the SWRCB, Office of Administrative Law (OAL), and U.S. EPA. Once approved by the SWRCB, the amendment is submitted to OAL and U.S. EPA. The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that

1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Water Quality Control Plan for the Los Angeles Region as set forth in the attachment.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the U.S. EPA.
4. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on October 25, 2001.

Dennis A. Dickerson
Executive Officer

Date