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STATE WATER RESOURCES CONTROL BOARD BOARD MEETING SESSION - DIVISION OF WATER QUALITY DATE: TO BE DETERMINED

ITEM

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES BASIN REGION TO UPDATE THE BACTERIA OBJECTIVES FOR FRESHWATERS DESIGNATED FOR WATER CONTACT RECREATION BY REMOVING THE FECAL COLIFORM OBJECTIVE

DISCUSSION

On July 8, 2010, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted, by [Resolution No. R10-005](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) updating the bacteria objectives for freshwaters designated for water contact recreation and limited water contact recreation (REC-1 and LREC-1, respectively) by removing the fecal coliform objective (amendment). The amendment updates the freshwater bacteria objectives in the Basin Plan to maintain consistency with the United States Environmental Protection Agency's (U.S. EPA) recommendation in 1986 that *E. coli* replace fecal coliform as an indicator of the presence of pathogens in freshwater, and removes unnecessary permitting and monitoring requirements that arise from having water quality objectives for both indicators.

Bacteria objectives for freshwaters designated REC-1 and LREC-1 uses were last updated on October 25, 2001, when the Los Angeles Water Board adopted, by [Resolution No. R01-018](#), an amendment to the Basin Plan.

The 2001 amendment updated bacteria objectives to reflect those established in the California Code of Regulations, title 17, section 7958 "Bacteriological Standards" and U.S. EPA's recommended criteria. The recommended criteria were based on results of epidemiological studies that found that Enterococcus and *E. coli* (a subset of the fecal coliform group) most strongly correlate with illnesses associated with swimming in sewage-contaminated water. These studies found that fecal coliform densities were only weakly correlated with the same illnesses. Thus, U.S. EPA concluded that *E. coli* is a more reliable indicator of risk to public health than fecal coliform and should replace the fecal coliform objective.

The 2001 amendment added *E. coli* water quality objectives in freshwater but did not remove the fecal coliform objective. Rather, the 2001 amendment included the dual sets of objectives, in order to provide a transition period for incorporation of *E. coli* objectives into water quality programs, and to establish an adequate monitoring database for the newly adopted *E. coli* objective. Such transition period was recommended by U.S. EPA's 2002 guidance document except that U.S. EPA generally recommended a single triennial review cycle. The Los Angeles Water Board's transition period has extended through three triennial review cycles.

The amendment is not expected to have any impact on public health risk since the *E. coli* objective was developed based on the same "acceptable" illness rate as the fecal coliform objective, which it replaces.

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During the State Water Board's review of the amendment, Los Angeles Water Board staff found that it was necessary to make several minor, non-substantive corrections to the language for clarity and internal consistency. [Los Angeles Water Board Resolution No. R4-2007-008](#), adopted on June 7, 2007, allows its Executive Officer to make such corrections if necessary. The Executive Officer made the corrections in a [memorandum](#) dated January 6, 2011.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to update the bacteria objectives for freshwaters designated for REC-1 and LREC-1 by removing the fecal coliform objective?

FISCAL IMPACT

Los Angeles Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Approval of Resolution No. R10-005, adopted by the Los Angeles Water Board, will amend the Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under the Los Angeles Water Board's Resolution No. R10-005.
2. Authorizes the Executive Director or designee to submit the amendment adopted under the Los Angeles Water Board's Resolution No. R10-005 to the Office of Administrative Law (OAL) to approve the regulatory provisions and U.S. EPA to approve the new objectives.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Objective/Action 1 to prepare, adopt, and take steps to carry out TMDLs, designed to meet water quality standards, for all impaired water bodies on the 2006 list.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2011-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE LOS ANGELES REGION BASIN TO UPDATE THE BACTERIA OBJECTIVES FOR FRESHWATERS DESIGNATED FOR WATER CONTACT RECREATION BY REMOVING THE FECAL COLIFORM OBJECTIVE

WHEREAS:

1. In 1986, the United States Environmental Protection Agency (U.S. EPA) published recommended criteria for bacteria. That document contained U.S. EPA's recommendation that *E. coli* replace fecal coliform as the bacteria indicator for water quality objectives in water bodies used for recreation. That recommendation is based on studies which concluded that *E. coli* is a more reliable indicator of risk to public health than fecal coliform.
2. On October 25, 2001, California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) adopted, by [Resolution No. R01-018](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to update the bacteria objectives for freshwaters designated for water contact recreation and limited water contact recreation (REC-1 and LREC-1, respectively) uses (2001 Amendment). The 2001 amendment was approved by the State Water Resources Control Board (State Water Board) on June 18, 2002 under [Resolution 2002-0142](#), by Office of Administrative Law (OAL) on September 19, 2002, and U.S. EPA on September 25, 2002.
3. The 2001 amendment added water quality objectives for *E. coli* in freshwater but did not remove the fecal coliform objective. Rather, the 2001 amendment included the dual sets of applicable objectives to provide a transition period for incorporation of *E. coli* objectives into water quality programs, and for collection of data on the new *E. coli* objective to establish an adequate monitoring database. Such transition period is recommended in U.S. EPA's "Draft Implementation Guidance for 'Ambient Water Quality Criteria for Bacteria'" (U.S. EPA, 2002). U.S. EPA's guidance document generally recommends a single triennial review cycle for the transition period. Los Angeles Water Board's transition period has extended through three single triennial review cycles.
4. On July 8, 2010, the Los Angeles Water Board adopted, by [Resolution No. R10-005](#), an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) updating the bacteria objectives for freshwaters designated for REC-1 and LREC-1 by removing the fecal coliform objective (amendment).
5. The Los Angeles Water Board approved the amendment pursuant to the Water Board's certified regulatory program, as set forth in the California Code of Regulations, Title 23, section 3720 et seq. which satisfies the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Los Angeles Water Board prepared a "Substitute Environmental Document" for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, the comments and responses to comments.

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6. The State Water Board finds the Los Angeles Water Board complied with the requirements set forth in sections 13240, 13241, and 13242 of the California Water Code.
7. The Los Angeles Water Board finds the amendment is consistent with the State Antidegradation Policy ([State Board Resolution No. 68-16](#)), and the Federal Antidegradation Policy (40 CFR 131.12), in that it does not allow degradation of water quality and ensures that beneficial uses are fully protected.
8. Los Angeles Water Board staff determined that minor, non-substantive changes to the language of the amendment were necessary to clarify, correct, or improve consistency. On January 6, 2011, the Los Angeles Water Board's Executive Officer made these minor changes in a [memorandum](#), dated January 6, 2011.
9. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The objectives must also be approved by U.S. EPA.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Los Angeles Water Board Resolution No. R10-005.
2. Authorizes the Executive Director or designee to submit the amendment adopted under Los Angeles Water Board Resolution No. R10-005 to OAL to approve the regulatory provisions and the U.S. EPA to approve the updated objectives.

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 (TBD).

Date

Jeanine Townsend
Clerk to the Board