

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2002 - 0142

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR  
THE LOS ANGELES REGION TO REVISE BACTERIA OBJECTIVES FOR WATERS  
DESIGNATED FOR WATER CONTACT RECREATION

WHEREAS:

1. In 1975, the Los Angeles Regional Water Quality Control Board, (Regional Board) adopted two Water Quality Control Plans (Basin Plan) for the Santa Clara River Basin and the Los Angeles River Basin, respectively.
2. The Regional Board adopted a revised Basin Plan for the Los Angeles Region on June 13, 1994 which combined these two Basin Plans into a single document which was approved by the State Water Resources Control Board (SWRCB) on November 17, 1994 and by the Office of Administrative Law on February 23, 1995.
3. On October 25, 2001, the Regional Board adopted Resolution No. 01-018 (attached) amending the Basin Plan to update the bacteria objectives for waters designated for water contact recreation.
4. Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act, scientific peer review, and other State laws and regulations.
5. At the SWRCB's May 16, 2002 Board Meeting, concerns were raised by the County of Los Angeles regarding the appropriateness of existing designations of the REC-1 beneficial uses to certain fresh waters, specifically those to which public entry is prohibited for health and safety reasons through no trespassing postings and fencing.
6. A Basin Plan amendment does not become effective until approved by the SWRCB and until the regulatory provisions are approved by the Office of Administrative Law.

THEREFORE BE IT RESOLVED THAT:

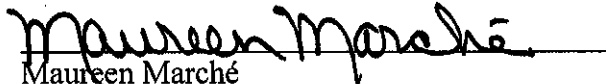
The SWRCB:

1. Approves the amendment to the Basin Plan to update the bacteria objectives for waters designated for water contact recreation as adopted under Regional Board Resolution No. 01-018.

2. Directs the Regional Board to review its REC-1 beneficial use designations, focusing on swimming during wet weather in fresh waters, specifically those to which public entry is prohibited for health and safety reasons through no trespassing postings and fencing. In this connection, the Regional Board should, upon consultation with appropriate state, regional, and local flood control and resource agencies, assess how enhancement or restoration of watercourses that have been the subject of previous alteration for flood control purposes can be accomplished to alleviate these restrictions and beneficially affect other uses of these waters. If enhancement and restoration is not possible, the Regional Board should consider variability in likelihood or frequency of recreational use with seasonality and flow.
3. Authorizes the Executive Director to submit the amendment adopted under the Regional Board Resolution No. 01-018 to the Office of Administrative Law and the U.S. Environmental Protection Agency for approval.

#### 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 July 18, 2002.

  
Maureen Marché  
Clerk to the Board

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.



## ATTACHMENT

In Chapter 3 “Water Quality Objectives” of the Basin Plan, replace Paragraph 2 under “*Bacteria, Coliform*” on p. 3-3 with the following:

### **In Marine Waters Designated for Water Contact Recreation (REC-1)**

#### *1. Geometric Mean Limits*

- a. *Total coliform density shall not exceed 1,000/100 ml.*
- b. *Fecal coliform density shall not exceed 200/100 ml.*
- c. *Enterococcus density shall not exceed 35/100 ml.*

#### *2. Single Sample Limits*

- a. *Total coliform density shall not exceed 10,000/100 ml.*
- b. *Fecal coliform density shall not exceed 400/100 ml.*
- c. *Enterococcus density shall not exceed 104/100 ml.*
- d. *Total coliform density shall not exceed 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1.*

### **In Fresh Waters Designated for Water Contact Recreation (REC-1)**

#### *1. Geometric Mean Limits*

- a. *E. coli density shall not exceed 126/100 ml.*
- b. *Fecal coliform density shall not exceed 200/100 ml.*

#### *2. Single Sample Limits*

- a. *E. coli density shall not exceed 235/100 ml.*
- b. *Fecal coliform density shall not exceed 400/100 ml.*

### **Implementation Provisions for Water Contact Recreation Bacteria Objectives**

*The geometric mean values should be calculated based on a statistically sufficient number of samples (generally not less than 5 samples equally spaced over a 30-day period).*

*If any of the single sample limits are exceeded, the Regional Board may require repeat sampling on a daily basis until the sample falls below the single sample limit in order to determine the persistence of the exceedance.*

When repeat sampling is required because of an exceedance of any one single sample limit, values from all samples collected during that 30-day period will be used to calculate the geometric mean.