

**Update to the Basin Plan's Freshwater Bacteria Objectives,
Response to Comments on the Tentative Resolution, Proposed Basin Plan Language, and Draft Staff Report
Comment Due Date: June 10, 2010**

1. County Sanitation Districts of Los Angeles County
2. County of Ventura Public Works Agency (VCPWA) and Ventura County Watershed Protection District (VCWPD)
3. Los Angeles County Department of Public Works (LADPW)
4. Nicole Parson (Private Citizen)

No.	Author	Date	Comment	Response
1.1	County Sanitation Districts	6/3/10	The County Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to provide comments on the proposed amendment to the Water Quality Control Plan, Los Angeles Region (Basin Plan) to update the bacterial water quality objectives (Tentative Amendment) by removing the fecal coliform objective in fresh waters designated for water contact recreation (REC-1) and limited contact recreation (LREC-1). The goal of the Tentative Amendment is to update the freshwater bacteria objectives in the Basin Plan to be consistent with EPA's 1986 bacteria criteria, that suggest <i>Escherichia coli</i> (<i>E. coli</i>) be used instead of fecal coliforms as a pathogen indicator for freshwater recreational contact.	Comment noted.
1.2	County Sanitation Districts	6/3/10	The Sanitation Districts strongly support removing fecal coliforms from the bacteria objectives for REC-1 and LREC-1 fresh waters, which removes unnecessary and duplicative regulatory requirements that arise from having water quality objectives for both indicators. The Tentative Amendment is fully protective of public health, because it retains bacterial indicator regulation based on <i>E. coli</i> , which EPA found to correlate more strongly with illness among	Comment noted.

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			swimmers than fecal coliforms.	
2.1	VCPWA & VCWPD	6/10/10	The County of Ventura Public Works Agency (VCPWA) and the Ventura County Watershed Protection District (VCWPD) appreciate the opportunity to provide comments on the proposed Amendment to the Basin Plan to update the Bacteria Objectives. Additionally, we appreciate the Los Angeles Regional Water Quality Control Board (Regional Board) staff's efforts to maintain consistency with EPA's recommendation pursuant to the Clean Water Act (CWA) §304(a) that <i>Escherichia coli</i> (<i>E. coli</i>) replace fecal coliform as an indicator for the presence of pathogens in fresh waters used for Water Contact Recreation (REC-1).	Comment noted.
2.2	VCPWA & VCWPD	6/10/10	Overall, VCPWA and VCWPD fully support this Basin Plan Amendment that replaces the fecal coliform objective with the <i>E. coli</i> objective as the sole objective for REC-1. We believe this action will remove unnecessary regulatory and monitoring requirements that arise from having objectives for both indicators.	Comment noted.
3-1	LADPW	6/10/10	Thank you for the opportunity to comment on the proposed amendment to the Water Quality Control Plan (Basin Plan) for the Los Angeles Region to update the bacteria objectives for the freshwater. Except as noted below, we generally support the proposed removal of the fecal coliform objectives for the Water Contact Recreation (REC-1) in freshwaters and the use of <i>Escherichia coli</i> (<i>E. coli</i>) as a sole	Comment noted.

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3-2	LADPW	6/10/10	<p>indicator of the presence of pathogens in freshwater.</p> <p>The proposed amendment is consistent with the U.S. Environmental Protection Agency's recommended ambient water quality criteria for bacteria in freshwaters and is a positive step toward reducing redundancy in regulatory monitoring requirements. However, the proposed amendment should be viewed as an interim step toward finding indicators that are more reflective of human health risk.</p>	<p>Comment noted. The intent of the proposed amendment is to achieve consistency with U.S. EPA's current recommended ambient water quality criteria for bacteria in freshwaters. Any future changes to the bacteria water quality objectives will be based on a consideration of updated EPA recommendations.</p>
3-3	LADPW	6/10/10	<p>The U.S. Environmental Protection Agency recognizes the lack of sound science related to bacterial indicators and is currently studying new bacterial indicators with the goal of establishing new criteria for recreational waters by 2012. The following comments are being submitted on behalf of the County of Los Angeles and the Los Angeles County Flood Control District.</p>	<p>Staff disagrees with the commenter's statement that the current bacteria indicators lack a basis in sound science. US EPA's current recommended bacteria criteria are based on several epidemiological studies conducted since the 1950s in both fresh water and marine water. The purpose of these studies was to evaluate the relationship between the density of fecal indicator bacteria and illness risk to recreational water users and determine which indicator(s) best correlated with swimming-associated health effects and, specifically, gastroenteritis. These studies found that there was a health risk associated with swimming in sewage-contaminated water. Enterococcus and <i>E. coli</i> were the indicators most strongly correlated with the incidence of gastroenteritis.</p>

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				<p>Other studies conducted in Australia, Canada, Egypt, France, Hong Kong, Israel, the Netherlands, New Zealand, Spain, South Africa, United States, and the United Kingdom, also found that fecal indicator bacteria are able to predict illnesses from exposure to recreational waters, providing additional support for the use of <i>E. coli</i> and enterococcus as water quality objectives.</p> <p>In a systematic review of 27 epidemiological studies conducted by Wade et al. (2003), researchers concluded that the risk of gastrointestinal (GI) illness is considerably lower in studies with enterococci and <i>E. coli</i> densities below those established by EPA (1986). They also found that <i>E. coli</i> is a more reliable and consistent predictor of GI illness than enterococci or other indicators in fresh recreational waters, thus providing support for EPA's and the Regional Board's continued reliance on <i>E. coli</i> as the water quality objective in freshwaters.</p> <p>As recently as February 2009, the US EPA has determined that "[t]aken as a whole, the weight of evidence from these studies indicates that fecal</p>

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				<p>indicator bacteria are able to predict GI and respiratory illnesses from exposure to recreational waters.”</p> <p>As in any scientific field, knowledge and analytical abilities continue to grow in the field of recreational water quality. The current criteria revised and updated those developed in the 1960s, as a result of research advances. In the same vein, future revisions to EPA’s recommended criteria will be made based on the most current science.</p> <p>While US EPA continues to direct the use of <i>E. coli</i> and enterococci in states’ water quality standards programs as recommended in its 1986 criteria document, the agency is also cognizant of methodological advances in measuring bacteria indicators and pathogenic organisms. US EPA and other agencies, including a partnership in California (SCCWRP, UC Berkeley, OCSD and Heal the Bay) are taking advantage of these new methodological tools to conduct new epidemiological studies to evaluate the relationship between traditional indicators (e.g. <i>E. coli</i>) as well as nontraditional indicators (e.g. rapid methods for quantifying enterococcus and <i>E. coli</i>, Bacteroides,</p>

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				<p><i>Bacteroides thetaiotamicron</i>, adenovirus, norovirus, and coliphage (somatic and F+) and health risk.</p> <p>The Regional Board along with the State Board is monitoring the progress of, and participating in, these studies. Final results from the southern California studies are expected in 2011, and updated recommendations from US EPA are expected toward the end of 2012, at the earliest. When US EPA publishes updated recommended water quality criteria for bacteria on the basis of findings from these studies, the Regional Board will consider modifying the region's water quality objectives at that time.</p> <p>Please see detailed responses to comments below.</p>
3-4	LADPW	6/10/10	Removal of the fecal coliform objectives only for the freshwater REC-1 beneficial uses would not eliminate the existing redundancy. The Staff Report states that the proposed amendment is limited to the REC-1 use for freshwater. This would not effectively reduce the redundancy in monitoring requirements because currently most water bodies designated as REC-1 are also designated with the Non-contact Water Recreation (REC-2) use. Consequently, monitoring for both fecal coliform and <i>E. coli</i> would still be required for many water bodies.	Where a waterbody is designated for multiple beneficial uses, the most sensitive use must be protected. Therefore where a waterbody is designated for both REC-1 and REC-2 beneficial uses, the REC-1 (<i>E. coli</i>) objectives will drive regulatory and monitoring requirements. Where designated only as REC-2, the applicable fecal coliform objectives apply. Therefore no redundancy will

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				<p>exist. Furthermore, if desired, the agency may conduct a study to determine the site-specific ratio of <i>E. coli</i> to fecal coliforms and propose to the Regional Board the use of a translator to convert <i>E. coli</i> measurements to fecal coliform equivalents.</p>
3-5	LADPW	6/10/10	<p>Recommendation: Revise the proposed Basin Plan amendment and the supporting Staff Report to remove fecal coliform from the freshwater bacteria objectives for both REC-1 and REC-2 beneficial uses.</p>	<p>The proposed amendment is narrow in scope. It is intended to achieve consistency with US EPA's currently recommended ambient water quality criteria for bacteria in freshwaters. These EPA recommendations do not address the use of fecal coliform or <i>E. coli</i> for protection of non-contact recreation (REC-2) and, as such, do not provide alternative REC-2 water quality criteria for bacteria. Therefore, the removal of the fecal coliform objectives for waters designated as REC-2 was not considered.</p>
3-6	LADPW	6/10/10	<p>Water bodies listed as impaired based on fecal coliform objective should be reevaluated using the new <i>E. coli</i> objective. Several freshwater water bodies in the Los Angeles region were put on the 303(d) List based on exceedances of fecal coliform objectives. In most of these instances <i>E. coli</i> data do not exist. Because no analysis has been conducted to link fecal coliform exceedances to <i>E. coli</i> exceedances, it is not clear how the proposed amendment would affect those water bodies put on</p>	<p>Removal of the fecal coliform objectives does not imply a lack of impairment. The waterbodies listed as impaired for fecal coliform bacteria will remain on the 303(d) list until adequate data on <i>E. coli</i> densities are available to support a reassessment based on the <i>E. coli</i> objectives.</p>

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			<p>the 303(d) List based solely on fecal coliform data.</p> <p>Recommendation: Revise the proposed Basin Plan amendment and the supporting Staff Report to clarify how the proposed amendment would affect those freshwater water bodies already on the 303(d) List based on fecal coliform objective.</p>	
4-1	Nicole Parson	4/28/10, 5/8/10, 5/25/10, 6/8/10	Letters contain general introductory remarks.	Comments noted
4-2	Nicole Parson	6/6/10	How many & what are the programs to be implemented in the Basin Plan's of various uses, locations and descriptions?	The proposed action only involves one amendment to the Basin Plan, which would affect surface waters designated with the water contact recreation use within the Los Angeles Region (i.e. surface waters within the coastal watersheds of Los Angeles and Ventura Counties).
4-3	Nicole Parson	6/6/10	Re # F = will be update to the freshwater Bacteria Objective help, support, and boost and or aid the need 2 develop recycled water in any region of LA County, Venture, Kern, Los Angeles and or San Bernardino Region?	Updating the freshwater bacteria objectives will have no impact on the need to develop recycled water in the Los Angeles Region.
4-4	Nicole Parson	6/6/10	Re # F = Why won't removal of the Fecal Coliform impose any restrictions on the development and use of recycled water?	Removal of the fecal coliform objectives set to protect water contact recreation will not impose any restrictions on the development and use of recycled water because the fecal

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				coliform objectives that are being removed are not used to regulate recycled water. There are separate water quality limits that are used specifically to regulate the quality of recycled water.
4-5	Nicole Parson	6/6/10	Re # 17 – What is the State Antidegradation Policy? And can you define the current quality and characteristics of water?	<p>The State Antidegradation Policy is a State Board policy that requires that existing high water quality is maintained in surface and ground waters where the water quality is already better than necessary to protect the designated beneficial uses. The policy allow certain exceptions to this if there is a demonstration that the lowering of water quality is to the maximum benefit of the people of the state, and that the beneficial uses of the water body will still be fully protected.</p> <p>The current water quality characteristics in relation to this proposed amendment are discussed in Section V(B)(b)-(c) of the draft staff report. Additionally, the general characteristics of the region’s waters are described in the Basin Plan and in the “Watershed Management Initiative” Chapter for the Los Angeles Region.</p>
4-6	Nicole Parson	6/6/10	What specific beneficial uses of this scope of water be used for? Can or will this amendment on adoption type scope	The proposed amendment affects the water contact recreation (REC-1 and LREC-1) beneficial uses of surface

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			standard be applied and or considered for any on a utility or urban use? If so please describe to various range?	waters in the Los Angeles Region. The change affects all surface waters designated with these uses regardless of their urban or rural location.
4-7	Nicole Parson	6/6/10	Is this project establishing uses for recycled water regulations or can be applied 2 it?	The proposed action does not establish regulations for recycled water use. Regulations for recycled water use are separately established under the California Water Code, California Health and Safety Code, and Titles 17 and 22 of the California Code of Regulations. Therefore, the proposed amendment to remove the fecal coliform objective for waters used for water contact recreation will not impact the uses of recycled water.
4-8	Nicole Parson	6/6/10	Will the project standard be used for water that is needed to maintain recreational areas like school yards, parks, business landscape and or grass lawns?	The proposed action will have no impact on waters used to maintain recreational areas like school yards, parks, business landscape and or grass lawns. Water used for irrigation is separately regulated. The proposed action affects surface waters such as lakes, creeks, streams and rivers that are designated for water contact recreation such as swimming, wading, and fishing.
4-9	Nicole Parson	6/6/10	What are the specific watershed management bodies of water and or development projects that are considered as Los Angeles River Watershed?	The proposed action covers all inland surface waters in the Los Angeles Region, including those in the Los Angeles River Watershed. The watershed management areas

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4-10	Nicole Parson	6/6/10	Updating the freshwater bacteria objective will have an impact on what development of housing in what region if not the Los Angeles Region?	The proposed action will have no impact on the development of housing in any region, as the proposed amendment only applies to the Los Angeles Region and removes a regulatory requirement.
4-11	Nicole Parson	6/6/10	Where is it verified that the water quality objectives are redundant when E coli is bacteria in general and fecal coliform is fecal bacteria that comes from [feces] raw sewage?	Both fecal coliform and <i>E.coli</i> are present in raw sewage. <i>E. coli</i> is a subset of fecal coliform bacteria and is a better indicator of health risk. Therefore, it is redundant to use both indicator bacteria as water quality objectives to protect water contact recreation.
4-12	Nicole Parson	6/6/10	On the reference page. At the last, 2 nd 2 last and next to last references listed “US E.P.A ambient water quality. What is (A.W.Q)? Why is it different from wquality criteria for water? What is U.S. E.P.A. recreational water mean?	A.W.Q. stands for Ambient Water Quality and is the quality of water in the general environment of a waterbody. More information is provided in EPA’s <i>Implementation Guidance for Ambient Water Quality Criteria for Bacteria</i> (March 2004), which staff has provided to the commenter.
4-13	Nicole Parson	6/6/10	In regards to (Rec) is there a difference between non-contact water recreation use (Rec-2) Fresh waters	The non-contact water recreation use (REC-2) differs from the water contact

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			designated for water contact recreation? How so? What is the difference between (LRec-1) 2 and (LRec-1)? Is ingestion of Rec 1 and or 2 water possible?	recreation uses (REC-1 and LREC-1) in the nature of the recreational activities covered by each use. In the case of water contact recreation, ingestion of water is considered likely, while for non-contact water recreation, ingestion is considered possible, but not likely. For detailed beneficial use definitions and additional information, please refer to the Basin Plan and State Board Resolution No. 2005-0015 provided to the commenter.
4-14	Nicole Parson	6/6/10	What are the 124 water bodies listed as impaired? Which water bodies fresh and or inland surface water are impaired pursuant to FCWA 303(d) in basin plan? Which water bodies, fresh and or inland surface water are identified in the amendment basin plan must (TMDLs) be developed?	The 124 waterbodies impaired for high levels of bacteria are available on the 303(d) list on the State Board's website at http://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/2008_integrated_report_303(d)_list.shtml . Staff has provided a copy of the 303(d) list to the commenter. Generally, all waterbodies identified on the 303(d) list must have TMDLs developed.
4-15	Nicole Parson	6/6/10	Re: V-A consideration regarding CEQA. Explain how attachment A relates to staff footnote #3?	The inclusion of LREC-1 in Footnote #3 in the staff report was done in error. This will be corrected in the final staff report.
4-16	Nicole Parson	6/6/10	If the environmental information included with this	The Regional Board prepares this

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			amendment is a substitute. Can you include the initial study original, negative declaration and on environmental report so we can see it right now as the answer right now. We want to look at it not go searching archive ok? Or and it can be included as an answer attachment now ok?	“substitute environmental document” because the State and Regional Boards are classified as “Certified Regulatory Programs” and, as such, follow separate requirements under CEQA. The substitute environmental document, which was provided to the commenter, is the original document.
4-17	Nicole Parson	6/6/10	What does “ a certified regulatory program mean? What does it mean when a project complies with regulatory standard?	Section 21080.5 of the Public Resources Code provides that a regulatory program of a state agency shall be certified by the Secretary for Resources as being exempt from the requirements for preparing EIRs, Negative Declarations, and Initial Studies if the Secretary finds that the program meets the criteria contained in that code section. A certified program remains subject to other provisions in CEQA such as the policy of avoiding significant adverse effects on the environment where feasible. A project complies with regulatory standards when it meets all the requirements set by a regulation or standard.
4-18	Nicole Parson	6/6/10	What is ca water code 13241 considerations?	Water Code Section 13241 considerations are a set of considerations made by the Regional Board prior to adopting a water quality

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				objective. These consideration are provided in Section V(B) of the draft staff report.
4-19	Nicole Parson	6/6/10	Why has the Regional Board considered factor (F) the need to develop recycled water? How's (F) a factor included in this recommendation?	Water Code Section 13241 requires the Regional Board to consider the need to develop and use recycled water. Staff has determined that the proposed action will have no impact on recycled water development and use. See also response to comments 4.3 and 4.7.
4-20	Nicole Parson	6/6/10	What does "engaged in water contact recreation" mean? Is there a difference between fresh waters and freshwater?	"Engaged in water contact recreation" means being involved in recreational activities that result in body contact with water. There is no difference between the terms "fresh water" and "freshwaters".
4-21	Nicole Parson	6/6/10	Please define water bodies?	Water bodies are bodies of water such as rivers, streams, creeks, lakes, bays, estuaries, wetlands, and oceans.
4-22	Nicole Parson	6/6/10	What does state board resolution #2005-0015 say? Is this amendment standard meant for waters designated for recreational use? Does amendment also apply and or also included for waters that contact recreational areas?	State Board Resolution No. 2005-0015 removes the REC-1 beneficial uses for Reach 1 and Reach 2 of Ballona Creek, and re-designates Reach 1 as LREC-1.
4-23	Nicole Parson	6/6/10	What does the federal Clean Water Act 304 (A) say?	The Clean Water Act (§304(a)(1)) requires EPA to develop criteria for water quality to protect designated uses

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				of water that accurately reflects the latest scientific knowledge.
4-24	Nicole Parson	6/6/10	In removing the fecal coliform criterion. Why does the report talk about and mention 19 illnesses per 1000 swimmers at marine beaches? Has the illnesses rate been assessed in other uses? And if so please provide now ok? What is non water recreation use (Rec-2)?	The illness rate is mentioned in relation to removing the fecal coliform objective to show that the same level of public health protection will be maintained even after the proposed action is taken. EPA developed its recommendations for water quality criteria for bacteria based on what it determined to be an acceptable health risk. Illness rates were calculated for water contact recreation in fresh water and marine water based on national epidemiological studies. See the Basin Plan, Chapter 2, for the definition of non-contact recreation (REC-2).
4-25	Nicole Parson	6/6/10	What other C.W.Q.C.B. have adopted this proposed language? Which other C.W.Q.C.B. will this proposed language so be forth for possible adoption?	It is likely that the State Board or other regions individually will take similar actions in the future.
4-26	Nicole Parson	6/6/10	How come the basin plan is not part of the document package of the tentative resolution proposed basin language, draft staff report and CEQA analysis? Or even sent out with them as a part of the standard proposed supported amendment package? Are table illustrations going to be on review at the meeting? Re (table 2-1) etc.?	The Basin Plan is generally available to all interested parties. Staff has provided the commenter with a copy of the document in response to their request. The documents noticed concern proposed amendments to the Basin Plan. There are no proposed changes to the beneficial use tables, therefore, the

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				tables will not be up for review at the meeting.
4-27	Nicole Parson	6/6/10	What are the EPA recommended criteria specified by (411A.B)?	EPA recommended criteria are distinct from the "AB 411" standards. EPA recommends the use of <i>E.coli</i> or enterococcus to protect freshwaters designated for contact recreation, and enterococcus for marine waters designated for contact recreation. AB 411 was an Assembly Bill passed by the California Legislature, which required the development of minimum bacteriological standards for ocean areas adjacent to public beaches and other public contact areas, and routine monitoring of beach water quality for compliance with these standards. The minimum bacteriological standards that were developed pursuant to AB 411 include individual limits on the density of total coliform, fecal coliform, and enterococcus bacteria.
4-28	Nicole Parson	6/6/10	What does CA code regulation title 17 sec. 7958 say?	CA Code of Regulations, title 17, sec. 7958 contains the requirements developed pursuant to Assembly Bill 411 (AB 411), described in response to comment 4.37.
4-29	Nicole Parson	6/6/10	What does "designated for" mean?	When a waterbody is designated for a beneficial use, it means that the use

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				exists and/or is being supported in the waterbody, or in the case where it is a potential use, the waterbody has the potential to support the use.
4-30	Nicole Parson	6/6/10	Why will the exec office have to request a “no effects determination form (D.O.F and G) or transmit payment?	The Executive Officer will request a “No Effects Determination” from the Department of Fish and Game as confirmation that there will be no environmental effects associated with the proposed action on fish or wildlife. This procedure is required by the California Fish and Game Code.
4-31	Nicole Parson	6/6/10	Re: (A) Past present and probable future beneficial uses of water. Does the federal recommendation for this bacteria objective revision and combination of the E.coli and fecal coiform only include beaches and recreational bodies of water and ambient waters?	The federal (EPA) recommendation for bacteria water quality objectives pertains to both fresh and marine waterbodies, including ocean water adjacent to beaches, used for water contact recreation.
4-32	Nicole Parson	6/6/10	Where specifically does ambient water quality for bacteria 1986 U.S. E.P.A recommend this herein: objective transition for fresh and or inland surface water?	EPA discusses and supports a transition period for adoption of its recommended bacteria criteria on page 45 of the EPA’s <i>Implementation Guidance for Ambient Water Quality Criteria for Bacteria</i> (May 2002 Draft) and on page 47 of the final document (March 2004).
4-33	Nicole Parson	6/6/10	What group, development, industry, politician, water agency, business, private citizen, government agency, and support this action?	Staff has received letters from the County Sanitation Districts of Los Angeles County, County of Ventura Public Works Agency and Ventura

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4-34	Nicole Parson	6/6/10	Give the tentative proposed resolution names of publicly, formally and or verifiable reference(s) contact info?	Please contact Dr. Ginachi Amah for any further information regarding the proposed action and associated documents at gamah@waterboards.ca.gov .
4-35	Nicole Parson	6/6/10	What is OAL approval?	All Basin Plan Amendments adopted by the Regional Board must be reviewed by the Office of Administrative Law (OAL) to ensure that the proper administrative procedures were followed. Approval is granted if all applicable requirements have been met.
4-36	Nicole Parson	6/6/10	In the (#C) proposed objective. What does “the implementation provision for the bacteria objective that are contained in the basin plan will remain unchanged at this time mean? And what are they in the B.P report?	The “implementation provisions” are the manner in which the bacteria objectives are applied. These will not be changed as a result of the proposed actions. The implementation provision for the bacteria objectives are contained in Regional Board Resolution No. 2001-018 which staff has provided to the commenter.
4-37	Nicole Parson	6	Which is the best health risk indicator for sewage water?	Per EPA’s recommended criteria, the best health risk indicators for sewage-

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				contaminated water are <i>E.coli</i> and enterococcus for freshwaters and enterococcus for marine waters.
4-38	Nicole Parson	6/6/10	What is a reference and what is it mean and for? So only CA water codes have been considered for beneficial use resolution #14 ABC and not the Federal Clean Water Act? Why isn't the federal Clean Water Act on the reference page?	The references in the draft staff report provide sources of the technical information and reference material used in developing the document. Typically, federal statutory requirements, to which the Regional Board must adhere, are not included in the reference section.