

**Responses to USEPA Region 9 Comments – April 25, 2012**

<b>Comment</b>	<b>Response</b>
<p>1. EPA appreciates the discussion at the meeting in San Francisco on April 10, 2012 between EPA, Santa Ana Regional Water Quality Control Board, and members of the Storm Water Quality Task Force to clarify the proposed amendment and supporting documents. The errata document addresses many of our earlier concerns...We have not as yet completed reviewing the UAAs, but appreciate that the scope is limited to redesignation of REC1 to REC2 in 4 waterbodies.</p>	<p>Comments noted. No further response required.</p>
<p>2. We have no objection to the modifications to add “Primary Contact Recreation” to the REC1 name and “Secondary Contact Recreation” to the REC2 name.</p>	<p>Comment noted. No further response required.</p>
<p>3. EPA recommends that the 13 paragraphs in bold, on pages 3-5, be deleted in full. The language is unnecessary Basin Plan language. It may be more appropriate in a staff report.</p>	<p>EPA makes reference to paragraphs proposed in the Errata sheet, p. 3-5, for addition to the Basin Plan. This language is proposed in lieu of changes to the REC1 definition itself. EPA had earlier expressed concern about the proposed changes in the definition, specifically, that the changes to the definition itself would result in statewide inconsistency.</p> <p>The narrative language proposed to be added to the Basin Plan is intended to provide the clarification initially sought in the proposed refinements to the REC1 definition itself. This clarification is necessary to assure that recreation standards are applied and implemented in a manner consistent with federal guidance and with the conditions and assumptions underlying the epidemiology studies that USEPA relied on to derive the recommended national bacteria criteria. Thus, the proposed language is significant and an appropriate part of the Basin Plan itself.</p>
<p>4. EPA recommends that the entire paragraph in section 7 of the errata document, on p.6, be deleted, as it is unnecessary to include future “intent” to consider a Basin</p>	<p>EPA refers to the paragraph in the Errata sheet that is proposed to be included in the Basin Plan to take note of the USEPA promulgation of enterococci criteria for coastal recreation waters,</p>

<p>Plan amendment for enterococcus. The enterococcus criterion is already promulgated under the BEACH Act.</p>	<p>including enclosed bays and estuaries, in 2004. The proposed language takes note of the facts that (1) in promulgating these criteria, USEPA did not specify an averaging period for the expression of the criteria and (2) that while USEPA identified single sample maximum values for enterococcus that vary based on the intensity of REC1 use, USEPA did not define the specific areas to which the varying numbers would apply. The proposed language simply clarifies these pertinent facts and indicates that a future Basin Plan amendment will be appropriate to address these current issues. Once such an amendment is approved, then this explanatory paragraph, if approved as part of the proposed amendments, would be removed.</p> <p>We are surprised by this comment since, during our April 10, 2012 meeting, EPA staff commented that the inclusion of most of this explanatory language would be useful.</p>
<p>5. We appreciate that staff has changed the proposed REC2 antidegradation standard from being based on the 95<sup>th</sup> percentile to the 75<sup>th</sup> percentile, which is more protective than the previous proposal. We believe that the implementation of the proposed REC2 standard depends on a proper monitoring program and that the adequacy of said monitoring programs should be reviewed by the State Board and EPA.</p>	<p>The proposed antidegradation targets for REC2-only waters are intended to provide evidence concerning water quality degradation over time. Per the proposed Basin Plan language, where credible evidence indicates that there may be water quality degradation, then follow-up actions, including increased monitoring and source investigations/corrective actions (where shown to be necessary) would be implemented. See the proposed amendments to Chapter 5, Implementation, <i>Antidegradation targets for REC2 only freshwaters</i>, and <i>Monitoring Plan for Pathogen Indicator Bacteria in Freshwaters</i>.</p> <p>We appreciate EPA's acknowledgement that the number of waters that would be designated REC2 only (through UAAs) and to which the antidegradation targets only, not the recommended <i>E. coli</i> objectives, would apply, is very limited. Even without the proposed re-designations, monitoring in these waters is likely to be very limited given what is known about the nature of their use for water contact recreation; in light of resource constraints, monitoring efforts are more properly directed to and focused on areas where recreational use is more likely to occur and where,</p>

	<p>therefore, the threat to public health is most significant. We believe that it would be an inappropriate use of both State Water Board and EPA staff resources to focus time and effort on the review of monitoring programs designed to address REC2 only waters. That said, Regional Board staff would consider any comments that either State Water Board or EPA staff choose to provide on such monitoring efforts.</p>
<p>6. We would like to point out that though the tiering of uses (in Table 5) is placed in the implementation chapter of the Basin Plan, EPA considers such tiering as a standards change, and thus actionable under the Clean Water Act.</p>	<p>EPA refers to Table 5-REC1-Tiers, which is proposed to be added to Chapter 5 Implementation, of the Basin Plan. For the purposes of assigning appropriate single sample maximum <i>E. coli</i> values, the table assigns each fresh surface water in the Region to a tier based on the known or anticipated intensity of REC1 use.</p> <p>EPA's comment is noted; no further response is required.</p>