

EPA REGION 9 COMMENTS TO THE SANTA ANA REGIONAL WATER QUALITY
CONTROL BOARD REGARDING THE ERRATA TO THE PROPOSED AMENDMENT TO
THE WATER QUALITY CONTROL PLAN FOR RECREATIONAL USES

April 25, 2012

Members of the Board: We have reviewed the errata document provided by the Regional Board on April 24, 2012 and would like to make a few comments. 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, and we appreciate the effort that staff has made to accommodate changes to the proposed amendment. 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.

We agree with the Regional Board's decision to retain the current state-wide name and definition of the core Beneficial Use of Water Contact Recreation (REC1). As we commented previously, it is important for California to have consistent definitions in their regulations. We have no objection to the modification "Water Contact Recreation (REC1*: Primary Contact Recreation)", nor with the modification "Non-contact Recreation (REC2*: Secondary Contact Recreation)".

EPA recommends that the 13 paragraphs in bold, on Pages 3-5, be deleted in full. We find the language to be unnecessary Basin Plan language. It may be more appropriate in a staff report. If the added language is deleted, so should the references to the added language.

EPA recommends that the entire paragraph in section 7 of the errata document, on page 6, be deleted, as it is unnecessary to include future "intent" to consider a Basin Plan Amendment for enterococcus. Furthermore, the enterococcus criterion is already promulgated under the BEACH Act.

EPA generally prefers numeric water quality objectives over narrative objectives. However, we appreciate that staff has changed the proposed REC2 antidegradation standard from being based on the 95th percentile to the 75th percentile, which is more protective than the previous proposal. We also appreciate the added clarification that the data from these distributions will be based on dry-weather data only. 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.

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.

Finally, EPA would like to make it clear that de-designation of Clean Water Act Section 101(A)(2) uses must be on a case-by-case and site-specific basis. We are particularly apprehensive with de-designations that render standards less stringent, as this is counter to the goal of the Clean Water Act. This proposed amendment should in no way be considered precedential. Each UAA will be considered separately.