



California Regional Water Quality Control Board

Santa Ana Region



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Santa Ana Regional Water Quality Control Board Staff Response to CEQA Scoping Meeting Comments:

Concerning Proposed Basin Plan Amendments related to Recreational Standards for Inland Surface Waters (for the Santa Ana Region);

Comments from Donald Schulz, 1/31/2010.

Donald Schulz <surfdad@hotmail.com> 1/31/2010 3:48 PM >>>

Hi David,

Thanks for the opportunity to attend this very important meeting and to provide inputs to the development of amendments to the Basin Plan Recreational Standards. I am disappointed that more of the public, particularly the other NGO's could not attend.

Here are some of the issues that I suggest be included for discussion in the preparation of the upcoming Supplemental Environmental Document (SED).

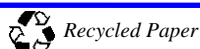
1. Loss of recreational opportunities.

Will there be a loss of recreational opportunities in those water bodies that are proposed to be reduced from REC 1 to REC 2 or REC X? If so, what remediation alternatives would be made available to us?

Regional Board Staff Response: There will be no loss of recreational opportunities in those waters proposed for re-designation to REC2 or RECX. The purpose of the re-designation is to reflect correctly the nature of the recreational use (if any) that actually occurs or has the potential to occur.

As discussed at the CEQA scoping meeting (held January 28, 2010), all waters are presumed to be REC1, unless a structured scientific analysis, known as a Use Attainability Analysis (UAA), is conducted that demonstrates that the REC1 use is not existing and is not attainable because of one or more specific factors identified in the federal regulations (40 CFR 131.10(g)). (These factors will be fully described in the

California Environmental Protection Agency



draft staff report being prepared for the proposed Basin Plan amendments.) All waters that are proposed for re-designation from REC 1 to REC 2 or REC X are waters that will have gone through the UAA process. A UAA document will be prepared for each waterbody proposed for re-designation, providing the basis for the recommended change. This will include photographic evidence compiled by the Task Force. As you remember, the SWQSTF placed cameras on 10 streams (16 sites total) and took pictures every 15 minutes in daylight hours for over a year. Some of these waterbodies will be proposed for re-designation. It's essential to keep in mind that if one or more waterbodies are re-designated such that REC-1 is no longer an identified beneficial use, then these re-designations must be reviewed at least once every three years (the so-called "triennial review") to determine whether conditions have changed such that REC-1 should be specified for these waters.

2. Bacterial standards?

What is the scientific basis for recommending enterococcus as a bacterial standard for fresh water? As you know, the present water quality bacterial standards are based on a 24 year old 1986 EPA study done on the east coast. The EPA has mandated new standards be developed by 2012 and most likely will not be bacteria, but possibly a virus based standard such as QPCR? Perhaps this entire Basin Plan Amendment exercise

is a little (2 yrs.) premature?

Regional Board Staff Response: Regional Board staff will recommend that new bacteria quality objectives for fresh waters in the Region be based on *E. coli*, not enterococcus. The recommendations are based on and consistent with EPA's 1986 ambient water quality criteria for bacteria. As noted during the CEQA scoping meeting, Board staff (and the SWQSTF) are aware of EPA's ongoing work to develop new criteria, and that the target date for completion of this effort is 2012. In light of current (and long-standing) EPA and Congressional directives to update bacteria objectives based on the 1986 criteria, and because it is not clear that the 2012 target date will be met, we believe that it is appropriate to proceed with consideration of the proposed Basin Plan amendments. Please note that many of the proposed amendments are not contingent on the development of new criteria (e.g., the proposed high flow suspension of recreational standards, re-designation of waters, re-definition of REC-1.) Also, please note that the proposed Basin Plan amendments include a recommendation for the addition of a narrative pathogen objective which, in part, anticipates that over time, new analytical procedures for viruses and other pathogens will become available and practicable, and that new criteria/objectives will be developed. The proposed narrative

objective would give the Regional Board an immediate, additional regulatory tool to complement bacterial indicator objectives.

As stated at the Scoping meeting, if and when EPA develops new criteria for recreational waters, whether such criteria are based on bacterial or other indicators, we will need to consider recommendations for further revision of the Basin Plan in the future.

3. REC 2 Anti-degradation objectives? (Backsliding).

Any proposed amendments to the Beneficial Use Bacterial Objective Standards that are

less protective to human health than those currently in place is deemed backsliding.

How are the downstream water body Beneficial Use rights going to be protected?

Regional Board Staff Response: First, it's important to clarify the regulatory terminology. "Backsliding" refers to changes in effluent limitations in federal NPDES permits that result in less stringent limitations. Antidegradation policy applies to actions, including changes in water quality objectives to less stringent objectives, which are found to result in a lowering of water quality. Re-designation of certain waterbodies from REC-1 to REC2 only (or RECX) through the UAA/Basin Plan amendment process would mean that the REC1 bacteria objectives (those now specified in the Basin Plan or those now proposed, if approved) would not apply. The Regional Board would need to assure that this would conform with antidegradation policy. Board staff and the Task Force recognize the need to address antidegradation considerations. We propose that as part of the UAA process to consider re-designation to REC2 only (or RECX) for a specific water body, data be collected and analyses conducted to derive an antidegradation objective for that water body. The intent is to assure that there is no lowering of water quality in the re-designated waterbody, thereby satisfying antidegradation requirements.

The proposed bacterial objectives that would apply to REC1/REC2 designated waters are considered by EPA to provide public health protection equivalent to the existing fecal coliform objectives in the Basin Plan. (The 1986 EPA criteria document and the Final Rule – Water Quality Standards for Coastal and Great Lakes Recreation Waters (40 CFR 131.41) provide extensive discussion of the scientific basis of the fecal coliform numbers and EPA's recommended criteria and notes that the EPA criteria are believed by EPA to roughly correlate with the estimated health risk associated with the fecal coliform numbers. We should note that the draft staff report for the proposed amendments will include a detailed discussion of these matters.)

Downstream water bodies beneficial uses will be protected by the use of BMPs, and monitoring to confirm their efficacy. These BMPs may include sanitary sewer diversions

or possibly some type of regional treatment of the water before it flows into the REC 1 water. For example, currently water is diverted from the Greenville Banning Channel near the ocean into the sanitary sewer.

4. Economic Impact?

What is the economic impact of permanently removing a potential future recreational water body from public use by reducing the bacterial objectives of the water body to something less than REC 1? Are there cost savings in testing, posting and mandatory disinfection when a water body bacterial standard is reduced from REC 1 standards?

Regional Board Staff Response: First, please note that re-designations of waters from REC1 to REC2 or RECX are not necessarily permanent. As indicated above and at the Scoping Meeting, such re-designations must be reviewed at least once every three years to determine whether changes have occurred such that a REC1 designation has become appropriate. If so, a Basin Plan amendment to make the change from REC2 (or RECX) to REC1 would be necessary.

A change in designation of a water body from REC1 to REC2 or RECX is likely to result in cost savings in monitoring and the implementation of BMPs. Opportunities would arise for the use of regional treatment BMPs that assure the protection of REC1 waters downstream of such REC2 or RECX waterbodies. The re-designation would obviate the need to meet REC1 objectives throughout the re-designated water and this could result in substantial savings in BMP costs (It should be emphasized that BMPs may be needed to continue to assure compliance with the antidegradation objective that would be established for the re-designated water). The result is that increasingly limited public funds could be focused to give highest priority to the protection of recreational uses and public health where it is most needed.

Economics must be considered as part of the proposed Basin Plan amendments. Economic analysis has been performed and will be presented in the draft staff report and accompanying documentation.

Thank you for the questions. We are working on getting more information onto SAWPA's website very soon.

Sincerely,
Dave Woelfel
Regional Board Staff

(Donald Schulz continues)

I apologize if the answers to these, and other questions can be found somewhere in the SAWPA website, but I was unable to find and view them. In any case it is good to be able to have these communications on-line so that all may participate.

Thanks for your attention to these questions and comments.

