

State Water Board Staff Comments on Strawman Recommendations for Recommended Revisions to the Santa Ana Water Boards Basin Plan for Recreational Use Classifications and Related Water Quality Objectives

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I would like to start off with commending the Santa Ana Water Board and the Task Force for their continued efforts to make appropriate clarifications and refinements to the Recreational Beneficial Uses and the objectives to protect the recreational uses of water in the Region. The task force has done an excellent job in examining and trying to come up with a rational classification stream(?) that will make sense in their region. Staff feels that the current recommendations may be misinterpreted and could lead to disapproval recommendations from either the State Board or the US EPA. Staff concurs with US EPA's comments that were provided. Specific comments follow:

Strawman Recommendation #1: Redefine REC1 definition.

Staff understand the desire to "clarify" the definition of REC1 however we would not recommend major changes to the current definition. The current definition was the result of collaboration between the 9 Regional Boards and the State Water Board to come up with a consistent set of definitions for the core beneficial uses across the state.

The proposed definition appears to change the threshold of protection for the beneficial use and would appear to "raise the bar" for which activities would be protected. Specifically, the proposed definition removes the use of the water for wading and fishing as examples of uses to be protected under a REC 1 designation. Staff feels strongly that the use of wading should be maintained in the definition. Over the years there has been a lot of discussion at statewide meetings and with US EPA on the importance of protecting children wading in the waters. Staff does not feel strongly about removing the example of "fishing" from the definition and agrees that the types of fishing where ingestion of water is reasonably possible would be covered under the other examples such as float tubing, and wading.

In addition, changing the definition from specifying where "ingestion of waters is reasonably possible" to "where ingestion is reasonably likely" appears to raise the bar under which the activities would be covered by the uses. Discussions with the Regional Water Board staff and others reveal that this is not the intent of the revisions.

Staff would recommend that the current beneficial use definition be retained (with the exception of possibly removing the fishing example). If the beneficial use definition for REC 1 needs to be revised, it should be done on a statewide basis to ensure consistency among the Water Boards for this key Clean Water Act goal use. However, staff supports adding language to the Basin Plan positively affirming that all waters, absent a UAA to prove otherwise, are presumptively classified as REC 1.

Recommendation #2- maintain current REC 2 Definition

Staff agree with this recommendation.

Recommendation #3 – Add text to identify factors to be considered in a UAA

Staff agrees with the US EPA comments that the description should be revised to be explicit that one of the six UAA 101.10(g) factors must be met. The language could be clarified that some of the factors will be used to prioritize waters for evaluation. Additionally, staff recommends explicitly stating that a federally “existing” use can be established by demonstrating that the uses have actually been attained since November 28, 1975 or that the water quality was sufficient to support the use. .

Staff also recommends that if a designation of “RECX” is made the language include the requirement to reassess the appropriateness of the designation during subsequent triennial reviews.

Recommendation #4 – add narrative Water Quality Objective

Staff support this recommendation

Recommendation #5 – Update Objectives

Staff support updating the 30 day geometric mean objectives from fecal Coliform to *E. coli*. Staff is concerned about the lack of a single sample maximum. If a single sample maximum is not included as an enforceable objective, staff recommends expanding the implementation uses of the a single sample maximum to include use as a trigger for posting waters for recreational closures. Staff is concerned that, in many places the frequency of bacteria testing is not such that one could regularly calculate a 30 day geo-mean and that recreational users could be exposed to possible illnesses if waters are not posted based on a single sample maximum.

Staff would also recommend updating the REC 2 objectives to *E. coli* as well for consistency within the standard.

Recommendation #6 – Remove fecal Coliform objective

Staff agrees with this recommendation.

Recommendation #7- clarify the use of “average” in the REC 2 bacterial indicator objective.

Staff agrees that the term “average” is a generic term statistically and could be interpreted to be any of several measures of central tendency. Staff agrees that one should look at the type of data being generated before deciding on which statistical measure of central tendency would provide the most accurate “average”. Staff agrees that clarifying that “average” means the geometric mean would be appropriate .

Recommendation #8 – Delete total Coliform objective for MUN

Staff has some concern with this recommendation. The MUN use is broader than the use covered under the Enhanced Surface Water Treatment Rule. The MUN use includes individual domestic supply including landscape irrigation where ingestion of water could be likely. Staff would like the rational expanded to include the totality of the MUN use and how the parts of the MUN use not covered by the federal treatment rule would still protect users from possible illness associated with the ingestion of water.

Recommendation #9 – High Flow Suspension

In general, staff supports the development of a high flow suspension in limited circumstances. The current language needs to be developed further to include specific empirical triggers for the suspension. Please see the Los Angeles Water Board high flow suspension for an example.

Recommendation #10 – Use of Single Sample Maxima as triggers

Please see comments under recommendation #5.

Recommendations #11 through 16

Staff have no comments at this time on these recommendations.

Concluding Comments

State Water Board staff thanks the task force for providing the strawman at this early stage for comments. We understand that there are differences and challenges to protecting beneficial uses in the very different eco-regions that exist in our state. Staff would recommend the development of a limited REC-1

definition, if needed, to bridge waters where the existing REC 1 beneficial use is overly broad and the REC 2 use is not sufficiently protective.