

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

RESOLUTION NO. R19-XX

March 14, 2019

Approval of the Removal of Eight Ventura County Beaches from the Federal Clean Water Act (CWA) Section 303(d) List of Water Quality Limited Segments in the Los Angeles Region

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board), finds that:

1. Under Clean Water Act (CWA) Section 305(b), states are required to report biennially to the U.S. Environmental Protection Agency (U.S. EPA) on the water quality conditions of their surface waters. Section 303(d) of the CWA further requires each State to provide a list of impaired water bodies to the U.S. EPA every two years.
2. In 2002, the U.S. EPA issued guidance to states requiring that the water quality assessment pursuant to Section 305(b) and the list of impaired waters pursuant to Section 303(d) be integrated into a single report referred to as the Integrated Report.
3. In accordance with California Water Code Section 13191.3(a), the “Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List,” also known as the Listing Policy, identifies the process by which the State Water Resources Control Board (State Water Board) and the Los Angeles Water Board (collectively, the Water Boards) comply with Section 303(d) and prepare the Integrated Report.
4. The Listing Policy was amended on February 3, 2015 to implement a strategy for preparing the State’s biennial Integrated Reports in a more timely and efficient manner. Under this strategy, three groups of Regional Water Boards were established. During each biennial period, the State prepares an Integrated Report for one group, rotating through all three groups every six years.
5. The current 303(d) list is in the 2014/2016 Integrated Report, which was approved by U.S. EPA on April 6, 2018.¹ The 2014/2016 Integrated Report is a compilation of the data and information submitted for the San Francisco Bay (Region 2), Central Coast (Region 3), Los Angeles (Region 4), Central Valley (Region 5), Santa Ana (Region 8), and San Diego (Region 9) regional water boards. The Los Angeles Water Board will develop its next complete Integrated Report, including an updated 303(d) list, in 2022.
6. The Listing Policy states that “[i]f a Regional Water Board is “off cycle” pursuant to the State Water Board’s notice of solicitation, that Regional Water Board or State Water Board may administer the process for one or more water segments that would result in a direct listing change from the previous listing cycle...” In addition, the State Water Board’s response to comments on the proposed 2014/2016 303(d) list for Los Angeles Region stated that “[t]he Los Angeles Regional Water Board can examine more recent data ... and recommend a high priority listing or delisting off-cycle consistent with Section 6.1.2 of the Listing Policy.” As such, it is within the Los Angeles Water

¹ Only the 303(d) List portion of the 2014/2016 California Integrated Report requires approval by the State Water Board and U.S. EPA.

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Board’s discretion to consider high priority listings or delistings that are “off-cycle” from the scheduled 2022 update of the Region’s Integrated Report.

7. In 2015, U.S. EPA initiated a new “TMDL Vision” program to encourage states to set priorities for the waters on their 303(d) lists. In accordance with this program, the Los Angeles Water Board set a “Vision” priority of addressing the remaining 303(d) listings for fecal indicator bacteria in coastal areas of the Los Angeles Region (harbors, beaches, bays, estuaries, and coastal streams) by completing TMDLs where necessary. The “Vision” plan includes nine Ventura County beaches, including Ormond Beach, Peninsula Beach, Point Mugu Beach, Port Hueneme Beach Park, Rincon Parkway Beach, San Buenaventura Beach, Surfer’s Point at Seaside, Promenade Park Beach, and Rincon Beach. Because the data review was completed for these beaches as part of the “Vision” program and because the Los Angeles Water Board committed to addressing these beaches, the Los Angeles Water Board considers these 303(d) list modifications to be a high priority and appropriate to address off-cycle from the scheduled 2022 update.
8. The data reviewed for the listing decisions satisfy the data quality requirements of sections 6.1.4 and 6.1.5 of the Listing Policy. Based on the data analysis, eight of the nine beaches do not exceed water quality objectives in excess of the allowable frequency in Table 4.2 of the Listing Policy. One beach exceeds water quality objectives in excess of the allowable frequency.
9. After reviewing all relevant evidence, Los Angeles Water Board finds it appropriate to take the following actions:
 - a. Remove the bacteria indicator impairment from the 303(d) list (a decision of “delist”) for the following seven beaches in Ventura County:
 - i. Ormond Beach;
 - ii. Peninsula Beach;
 - iii. Point Mugu Beach;
 - iv. Port Hueneme Beach Park;
 - v. Rincon Parkway Beach;
 - vi. San Buenaventura Beach; and
 - vii. Surfer's Point at Seaside
 - b. Apply a beneficial use support rating for those seven beaches of Category 1.
 - c. Confirm that Promenade Park Beach is not impaired by indicator bacteria (a decision of “do not list”).
 - d. Retain the listing for bacteria indicator impairment at Rincon Beach on the 303(d) list (a decision of “do not delist”).
10. Los Angeles Water Board staff has prepared a detailed technical document entitled “Ventura Beaches Bacteria - Modifications to the 2014/2016 Clean Water Act 303(d) List of Impaired Waters” (Staff Report) that describes the data analysis supporting these decisions. This Staff Report is an integral part of this Los Angeles Water Board action and was reviewed, considered, and accepted by the Los Angeles Water Board before acting.

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11. The public has had a reasonable opportunity to participate in the development of these decisions. On February 2, 2018, Los Angeles Water Board staff held a public meeting to present available data to stakeholders and discuss regulatory alternatives for the Ventura Beaches. On January 23, 2019, staff issued a Notice of Hearing and Staff Report to interested persons and provided a period of 30 days for public review and comment. Notice of the hearing was also published in the Ventura County Star on January 22, 2019.
12. On March 14, 2019, prior to the Board's action on this resolution, a public hearing was conducted by the Board during its regularly scheduled Board meeting on the Staff Report and the recommended modifications to the 2014/2016 303(d) List pertaining to bacteriological water quality at nine Ventura County beaches. The Los Angeles Water Board considered and responded to oral and written comments received on the proposed action.

THEREFORE, be it resolved that the Los Angeles Water Board, in fulfillment of the federal Clean Water Act and the California Water Code, hereby:

1. Approves the removal of the following waterbodies from the Los Angeles Region's 303(d) list:
 - a. Ormond Beach;
 - b. Peninsula Beach;
 - c. Point Mugu Beach;
 - d. Port Hueneme Beach Park;
 - e. Rincon Parkway Beach;
 - f. San Buenaventura Beach; and
 - g. Surfer's Point at Seaside.
2. Authorizes the Executive Officer to transmit the Staff Report and other supporting information to the State Water Board for its consideration and approval.
3. If during State Water Board's approval process the State Water Board determines that minor, non-substantive corrections to the language of the Staff Report are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

I, Deborah J. Smith, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 14, 2019.

Deborah J. Smith
Executive Officer

Date