



A COOPERATIVE STRATEGY FOR RESOURCE MANAGEMENT & PROTECTION

February 20, 2015



Electronic Submission: commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comment Letter – Statewide Bacteria Objectives – Scoping Comments

Dear Ms. Townsend:

The Stakeholders Implementing Total Maximum Daily Loads in the Calleguas Creek Watershed (Stakeholders) appreciate the opportunity to provide comments on the public scoping process related to the Amendments to Water Quality Control Plans for Inland Surface Waters, Enclosed Bays and Estuaries and the Ocean Waters of California for Statewide Water Contract Recreation Bacteria Objectives (Statewide Bacteria Objectives).

The Stakeholders implement numerous water quality management and monitoring programs to address water quality impairments, including existing 303(d) listings for bacteria. The Stakeholders are supportive of these amendments and other regulatory updates that incorporate the best available science into the regulatory process. The proposed scope of the Statewide Bacteria Objectives align well with comments previously provided by the Stakeholders on the scope of activities to be addressed during the Los Angeles Region Triennial Review. As a result, we appreciate the State Water Board undertaking a process to address these issues statewide.

The Stakeholders strongly support the scope of the proposed amendments. The use of the best available science will ensure that we leverage the latest standards and approaches to protect the health of the people recreating in the Calleguas Creek Watershed (CCW). In particular, the Stakeholders would like to express support for the inclusion of the following elements:

1. Element 3-Address Natural Sources of Bacteria Levels
2. Element 4-High Flow Suspension

Inclusion of these elements is critical to establishing Statewide Bacteria Objectives that will effectively address bacteria impairments from anthropogenic sources when and where recreational uses occur. We have included some additional support and recommended considerations for these two elements below. Additionally, we are providing some recommended modifications to the scope of Element 8-Averaging Periods to Determine Compliance.

With the proposed changes as described in detail below, we believe that these amendments represent more sensible regulation and will allow the use of the most reliable and scientifically defensible tools in order to protect public health.

ELEMENT 3 – ADDRESS NATURAL SOURCES OF BACTERIA LEVELS

Comment #1: The Stakeholders support State Board staff’s recommendation to allow the use of reference system/antidegradation approach (RSAA) or natural sources exclusion approaches (NSEA) to ensure that agencies can focus bacteria reduction efforts on anthropogenic sources of bacteria.

Although the proposed amendment does not refer to the use of RSAA/NSEA specifically within the context of a TMDL, in the Los Angeles Region, the RSAA/NSEA is only allowed to be used during TMDL development and implementation. The Stakeholders are proactively working to avoid a TMDL in the watershed by identifying implementation actions that could be implemented to help reduce bacteria in discharges from MS4s and agriculture. If the RSAA/NSEA is not allowed for use outside of a TMDL, the Stakeholders would be subject to more stringent requirements than agencies subject to a TMDL while proactively trying to address the impairment. As a result, we request that the use of the RSAA/NSEA not be limited to TMDLs and that statewide objectives supercede the Los Angeles Region Basin Plan Amendment only allowing the RSAA/NSEA to be used in the context of a TMDL.

Recommendation: Clarify the ability to use the RSAA/NSEA in both TMDL and non-TMDL applications and supercede existing Los Angeles Basin Plan requirements that prevent use of the approach for non-TMDL applications.

ELEMENT 4 – HIGH FLOW SUSPENSION OF OBJECTIVES FOR FRESH WATERS

Comment #2: The Stakeholders strongly support State Board staff’s recommendation to allow the suspension of recreational objectives in engineered and non-engineered channels during high flow events. Conditions during storm events can be unsafe for recreation, making the use temporarily unavailable, regardless of the channel type. Implementation of a high flow suspension (HFS) will allow the Stakeholders to focus resources on protecting recreational beneficial uses where and when it is safe and legal for them to occur. As part of the development of the statewide objectives, the State Water Board should provide the necessary analysis to streamline the application of HFS statewide. This could be in the form of developing implementing procedures for the objectives to apply a HFS for common waterbody types based on simple metrics, such as rainfall amounts; developing a UAA template for different types of waterbodies; or assigning HFS designations statewide.

Recommendation: Develop a streamlined approach to implementing HFS statewide and where possible identify simple metrics that can be utilized for common waterbody types for application of the HFS.

ELEMENT 8 – AVERAGING PERIODS TO DETERMINE COMPLIANCE

Comment #3: The use of rolling averaging periods can result in one high sample impacting up to five rolling geometric means (i.e., five exceedances). Establishing discrete averaging periods such as seasonal periods, or monthly periods, would allow for a more representative assessment of steady state water quality conditions (i.e., geometric means) and a better assessment of attainment of water quality objectives.

As USEPA's 2012 RWQC were developed using epidemiologic data collected over summer recreational seasons, the Stakeholders support an averaging period that reflects seasonal recreational use. The Stakeholders encourage the State Board to consider seasonal or sub-seasonal durations for determining attainment of the geometric mean and statistical threshold value (STV), as they could be closely aligned with the seasons defined by California Assembly Bill 411 (AB411) – the AB411 dry season (April through October) and the AB411 wet season (November through March). Each of these seasonal periods are defined by distinct patterns of recreational use, and therefore could be appropriate for calculating geometric means and STVs.

Recommendation: Specify a discrete averaging period that reflects a recreational season or sub season.

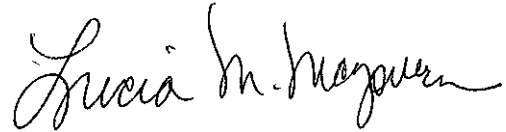
Comment #4: Due to the potential for inconsistencies in calculations to determine attainment of water quality objectives, the Stakeholders support specific guidance for data analysis. Guidance should include an appropriate minimum number of samples, an appropriate mechanism to incorporating non-detects into data analysis, establishment of discrete averaging periods (as described in the previous comment), and how to handle wet weather data within the analysis.

Recommendations:

- (1) Improper incorporation of non-detects into the analysis can be unnecessarily restrictive and lead to false water quality exceedances. The averaging protocol should allow for statistically appropriate handling of non-detects (e.g., use of regression on order statistics or at a minimum substitute one-half the detection limit rather than the full detection limit).
- (2) Geometric mean calculations are intended to be representative of steady-state conditions. As such, the State Board should specify how wet weather data are to be used to evaluate attainment of the water quality objectives. The State Board should specifically exclude wet weather data from geometric mean calculations, which is scientifically consistent with the 2012 RWQC. Wet weather data should only be used in evaluation of the STV.

Thank you for your time and consideration of these comments. If you have questions, please contact Ashli Desai at (310)-394-1036.

Sincerely,

A handwritten signature in black ink that reads "Lucia McGovern". The signature is written in a cursive style with a long, sweeping tail on the "n".

Lucia McGovern
Chair of Stakeholders Implementing TMDLs in Calleguas Creek Watershed