

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
FEBRUARY 21, 2012**

**ITEM 3**

**SUBJECT**

CONSIDERATION OF A RESOLUTION TO REQUEST UP TO \$550,000 FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO AUGMENT THE IMPLEMENTATION OF THE BEACH WATER QUALITY PROGRAM (BEACH SAFETY PROGRAM) FOR THE PERIOD OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013

**DISCUSSION**

The Beaches Environmental Assessment and Coastal Health Act (BEACH Act) passed on October 10, 2000 by the United States Congress, authorized the U.S. Environmental Protection Agency (U.S. EPA) to award grants to eligible states, tribes, and territories to develop and implement beach water quality monitoring programs at coastal and Great Lakes recreational waters near beaches, and to provide support for the development and implementation of programs to reduce risk of exposure to disease-causing microorganisms in the waters of the nation's beaches. For the period of October 1, 2012, through September 30, 2013, California is eligible to receive a preliminary allocation of \$549,000 of [BEACH Act grant funds](#). This resolution authorizes the State Water Resources Control Board (State Water Board) to request these federal funds.

The State Water Board intends to use the 2012-2013 BEACH Act grant funds to augment the state's beach water quality monitoring and public notification programs conducted by local environmental health departments. It is anticipated that the state's local environmental health departments will continue to conduct beach quarterly quality monitoring and public notification programs described in sections 115875 through 115915 of the Health and Safety Code, and sections 7952 through 7962 of title 17 of the California Code of Regulations with funding provided by State Water Board under Senate Bill (SB) 482, signed by the Governor on October 8, 2011.

In 1997, Assembly Bill (AB) 411 (Stats.1997, Ch. 765) mandated that beaches with storm drains that discharge during dry weather and are visited by more than 50,000 people per year be monitored at least weekly from April 1 through October 31 by the local health officer or environmental health agency. Beginning in 1999, the Department of Health Services (now the Department of Public Health) (DPH) promulgated regulations implementing AB 411. The regulations required that local officials post warning signs at beaches that exceed standards set by the DPH. In 2004, AB 1876 (Stats. 2004, Ch. 709) expanded the AB 411 monitoring requirements to the San Francisco Bay area beaches. The monitoring provisions are not mandatory in years the state does not provide sufficient funds.

On October 8, 2011, the Governor signed Senate Bill (SB) 482 (Stats 2011, Ch. 592) transferring authority over water quality monitoring at beaches from DPH to the State Water Board. SB 482 also provides the State Water Board with means of funding the Program through waste discharge permit fees (WDPF) effective July 1, 2012. The State Water Board will use the Cleanup and Abatement Account to provide monitoring funding for the period of

January 1, 2012 to June 30, 2012. ([Resolution 2011-0053](#) passed November 1, 2011). The U.S. EPA BEACH Act funds will be used to augment the California Beach Safety program implemented and funded by the State Water Board under SB 482 and Resolution 2011-0053.

## **POLICY ISSUE**

Should the State Water Board:

- (1) Approve the application for and administration of the U.S. EPA BEACH Act grant to augment the beach water quality monitoring programs at coastal recreational waters near beaches in California for the period of October 1, 2012, to September 30, 2013?
- (2) Authorize the Deputy Director of the Division of Water Quality to issue appropriate Contracts and any amendments to implement the Program?

## **FISCAL IMPACT**

There will be a positive impact, as all funds are federal and would come as part of the U.S. EPA BEACH Act grant. The grant allows funds to the State Water Board to implement the program and contracts

## **REGIONAL BOARD IMPACT**

Yes, the Program benefits all coastal Regional Water Boards.

## **STAFF RECOMMENDATION**

That the State Water Board:

- (1) Approves the application for and administration of the U.S. EPA BEACH Act grant to augment the beach water quality monitoring programs at coastal recreational waters near beaches in California for the period of October 1, 2012, to September 30, 2013, and
- (2) Authorize the Deputy Director of the Division of Water Quality to issue appropriate Contracts and any amendments to implement the Program.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-

REQUEST UP TO \$550,000 FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO AUGMENT THE IMPLEMENTATION OF THE BEACH WATER QUALITY PROGRAM (BEACH SAFETY PROGRAM) FOR THE PERIOD OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013

### WHEREAS:

1. The Department of Public Health (DPH) formerly administered the Beach Safety Program which includes monitoring beach water quality with both state and federal funds.
2. The State Water Resources Control Board (State Water Board) provided funding to DPH for beach water quality monitoring through December 31, 2011, pending identification of a long-term sustainable funding source.
3. On October 8, 2011, the Governor signed Senate Bill (SB) 482 (Chapter 592 of 2011) transferring authority over water quality monitoring at beaches from the DPH to the State Water Board. SB 482 also provides the State Water Board with the means of funding the program through waste discharge permit fees effective July 1, 2012;
4. The U.S. Environmental Protection Agency (U.S. EPA) through the Beaches Environmental Assessment and Coastal Health Act (BEACH Act) authorizes the State Water Board to request and administer state BEACH Act grant funds to augment California's existing Beach Safety Program;
5. State Water Board staff determined the Program qualifies for Class 6 categorical exemption from California Environmental Quality Act requirements and will not result in any significant adverse water quality impacts.

### THEREFORE BE IT RESOLVED THAT:

#### The State Water Board:

1. Approves the application for and administration of the U.S. EPA BEACH Act grant to augment the beach water quality monitoring programs at coastal recreational waters near beaches in California for the period of October 1, 2012, to September 30, 2013, and

## **D R A F T**

2. Authorizes the Deputy Director of the Division of Water Quality to issue appropriate Contracts and any amendments to implement the Program.

### **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on February 21, 2012.

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Jeanine Townsend  
Clerk to the Board