

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
MAY 18, 2016**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO ALLOCATE UP TO \$1,800,000 ANNUALLY FROM THE WASTE DISCHARGE PERMIT FUND TO CONTINUE THE BEACH SAFETY PROGRAM AND AUTHORIZE THE DEPUTY DIRECTOR OF THE DIVISION OF FINANCIAL ASSISTANCE TO ACCEPT THE BEACH GRANT FOR SUPPORT OF THE PROGRAM

DISCUSSION

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 California Department of Public Health (CDPH) promulgated regulations implementing AB 411. The regulations required that local officials post warning signs at beaches that exceed standards set by CDPH. In 2004, AB 1876 (Stats. 2004, ch. 709) expanded 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 for the counties to conduct the monitoring.

On October 8, 2011, the Governor signed Senate Bill (SB) 482 (Stats. 2011, ch. 592) transferring authority over water quality monitoring at beaches from CDPH to the State Water Resources Control Board (State Water Board). SB 482 also provides the State Water Board with a sustainable means of funding the Beach Safety Program (Program) through the Waste Discharge Permit Fund (WDPF) beginning July 1, 2012. The State Water Board used funds from the Cleanup and Abatement account to provide monitoring funding for the period of January 1, 2012, to June 30, 2012 ([Resolution No. 2011-0053](#)).

[Resolution 2012-0024](#) allowed the State Water Board to implement the SB 482 provisions for funding local agencies beginning on July 1, 2012 through June 30, 2016 utilizing the WDPF. These funds allowed the local agencies to conduct weekly beach water quality monitoring and public notification programs described in Health and Safety Code sections 115875 through 115915 and California Code of Regulations, title 17, sections 7952 through 7962.

The Beaches Environmental Assessment and Coastal Health Act (BEACH Act) passed on October 10, 2000, 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.

The proposed resolution allows the State Water Board to continue funding the Program using WDPF funds and authorizes the Deputy Director of the Division of Financial Assistance (DFA) to implement the funding Program. In addition, it authorizes the Deputy Director of DFA, in consultation with the Deputy Director of the Division of Water Quality, to apply for and accept

the BEACH Act grant funds annually. The federal funds supplement State Water Board WDPF allocation to local agencies to implement the Program in accordance with the state and federal BEACH Act grant requirements. For the period of October 1, 2016, through September 30, 2017, it is expected that California will be eligible to apply for and receive an award of approximately \$500,000 of BEACH Act grant funds to supplement the WDPF funds approved by this resolution.

The state and federal beach funds will allow the State Water Board to enter into financial assistance agreements with 16 local public health and environmental agencies to collect water samples and analyze them for fecal indicator bacteria as required by AB 411 and the BEACH Act. State Water Board staff determined the Program qualifies for Class 6 (Information Collection) categorical exemption from the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) and will not result in any significant adverse environmental impacts.

POLICY ISSUE

Should the State Water Board:

1. Approve funding of up to \$1,800,000 annually, upon appropriation by the Legislature, from the WDPF to implement the Program?
2. Approve the annual application and administration of the U.S. EPA BEACH Act grant to augment the Program in coastal recreation waters near beaches in California?
3. Authorize the Deputy Director of DFA, or designee, in consultation with the Deputy Director of the Division of Water Quality, to accept the BEACH Act grant funds, execute the BEACH Act grant agreement with U.S. EPA, and supplement the Program with BEACH Act grant funds?
4. Authorize the Deputy Director of DFA, or designee, in consultation with the Deputy Director of the Division of Water Quality, to issue financial assistance agreements, any amendments thereto, and to perform all tasks necessary to implement the Program?

FISCAL IMPACT

The State Water Board is authorized to assess and collect WDPF fees in order to implement the provisions of SB 482. This Resolution will have no net fiscal impact on the State Water Board. This fee will utilize 1.5 percent of existing WDPF funds (\$1,800,000) for FY 2016-17. These funds will provide financial assistance agreements with local agencies and will cover approximately 69 percent of the expenses incurred by the agencies to conduct the Program. The State Water Board, along with U.S. EPA BEACH Act grant funds, will provide approximately 85-90 percent of total local Program funds, thus minimizing the fiscal impact on local agencies.

REGIONAL BOARD IMPACT

Yes, the Program benefits all coastal Regional Water Quality Control Boards.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve funding of up to \$1,800,000 annually, upon appropriation by the Legislature, from the WDPF to implement the Program.
2. Approve the annual application and administration of the U.S. EPA BEACH Act grant to augment the Program in coastal recreation waters near beaches in California.
3. Authorize the Deputy Director of DFA, or designee, in consultation with the Deputy Director of the Division of Water Quality, to accept the BEACH Act grant funds, execute the BEACH Act grant agreement with U.S. EPA, and supplement the Program with BEACH Act grant funds.
4. Authorize the Deputy Director of DFA, or designee, in consultation with the Deputy Director of the Division of Water Quality, to issue financial assistance agreements, any amendments thereto, and to perform all tasks necessary 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. 2016-

ALLOCATE UP TO \$1,800,000 ANNUALLY FROM THE WASTE DISCHARGE PERMIT FUND TO CONTINUE THE BEACH SAFETY PROGRAM AND AUTHORIZE THE DEPUTY DIRECTOR OF THE DIVISION OF FINANCIAL ASSISTANCE TO ACCEPT THE BEACH GRANT FOR SUPPORT OF THE PROGRAM

WHEREAS:

1. The Beach Safety Program (Program) is a project that provides public notification of swimming safety at California beaches through a comprehensive ambient water quality monitoring and reporting program. The program utilizes standard protocols for sample collection and data management, and includes a statewide database.
2. On October 8, 2011, the Governor signed Senate Bill (SB) 482 (Stats. 2011, ch. 592) authorizing up to \$1,800,000 annually from the Waste Discharge Permit Fund (WDPF), upon appropriation by the Legislature, to implement the Program through June 30, 2016.
3. State Water Board [Resolution No. 2012-0024](#) approved \$1,800,000 of funds annually, upon appropriation by the Legislature, from the WDPF to implement the Program for the period July 1, 2012 through June 30, 2016.
4. The State Water Board may reauthorize funding up to \$1,800,000 annually, upon appropriation by the Legislature, from the WDPF to implement the Program.
5. The Legislature's Budget Bill for FY 2016-17 appropriates \$1,800,000 for "local assistance, to the State Water Resources Control Board, payable from the Waste Discharge Permit Fund" for 3560-Water Quality in Item 3940-101-0193.
6. Section 406(b) of the federal Clean Water Act (33 U.S.C. § 1346(b)) authorizes the United States Environmental Protection Agency (U.S. EPA) to award grants to develop and implement beach water quality monitoring programs under its Beaches Environmental Assessment and Coastal Health Act (BEACH Act) grant program.
7. Through the BEACH Act, the U.S. EPA authorizes the State Water Board to request and administer state U.S. EPA BEACH Act grant funds to augment California's existing Program.
8. The State Water Board annually submits an application for, and is eligible to receive, an allocation of approximately \$500,000 in U.S. EPA BEACH Act grant funds to supplement the Program.
9. State Water Board staff determined the Program qualifies for Class 6 Categorical Exemption (Information Collection) from California Environmental Quality Act (CEQA) requirements and will not result in any significant adverse environmental impacts. The State Water Board will file a Notice of Exemption with the State Clearinghouse within five days of adoption of this Resolution.

DRAFT

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves funding of up to \$1,800,000 annually, upon appropriation by the Legislature, from the WDPF to implement the Program.
2. Approves the annual application and administration of the U.S. EPA BEACH Act grant to augment the Program in coastal recreation waters near beaches in California.
3. Authorizes the Deputy Director of the Division of Financial Assistance, or designee, in consultation with the Deputy Director of the Division of Water Quality, to accept the BEACH Act grant funds, execute the BEACH Act grant agreement with U.S. EPA, and supplement the Program with BEACH Act grant funds.
4. Authorizes the Deputy Director of the Division of Financial Assistance, or designee, in consultation with the Deputy Director of the Division of Water Quality, to issue financial assistance agreements, any amendments thereto, and to perform all tasks necessary to implement the Program.
5. Finds that the implementation of the Program qualifies for a Class 6 Categorical Exemption (Cal. Code Regs., tit. 14, § 13306) from the requirements of CEQA (Pub. Resources Code, § 21000 et seq.).

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 May 18, 2016.

Jeanine Townsend
Clerk to the Board