

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Richard Looker)  
MEETING DATE: April 14, 2010

**ITEM:** 6

**SUBJECT:** **Proposed Amendment to the Water Quality Control Plan (Basin Plan) to Establish Bacteria Objectives for Waters Designated for Contact Recreation in Marine and Estuarine Waters of the San Francisco Bay Region - Hearing to Consider Adoption of the Proposed Basin Plan Amendment**

**CHRONOLOGY:** There has been no previous action by the Board on this matter.

**DISCUSSION:** At this hearing, the Board will hear testimony and be asked to adopt a Resolution (Appendix A) amending the Basin Plan to establish enterococcus water quality objectives to protect water contact recreation in marine and estuarine waters of the San Francisco Bay region. At the hearing we will discuss the elements of the Basin Plan amendment (Appendix B) and our responses to stakeholder comments received during the comment period. Supporting documentation in this package includes our Staff Report (Appendix C), Response to Comments (Appendix D), and copies of all written comments received during the public comment period (Appendix E).

The proposed Basin Plan amendment would establish enterococcus water quality objectives, specifically a single-sample maximum and 30-day geometric mean, to protect the water contact recreation beneficial use in marine and estuarine waters. Enterococcus is a useful indicator in that it signals the presence of pathogenic bacteria that can enter receiving waters through fecal contamination. It is relatively easy to measure and correlates very well with the diseases caused by exposure to the pathogenic organisms present in fecal contaminated water. Adding these objectives will make the Basin Plan's bacteriological objectives consistent with water quality criteria adopted by the U.S. EPA. We propose to implement these new objectives by including an effluent limitation based on the 30-day geometric mean objective in all NPDES wastewater permits. This effluent limitation is already included in many permits. The 30-day geometric mean objective will be implemented in a manner consistent with the State Implementation Policy, which would allow for applying dilution consistent with current Water Board practice for other water quality-based effluent limitations.

We also propose giving the Board the flexibility to apply, in some specific wastewater permitting circumstances, the total coliform effluent limit in place of the enterococcus limit. This is being proposed mainly to accommodate wastewater dischargers already monitoring for total coliform, such as for recycled/reclaimed water applications.

We received six comment letters prior to the close of the comment period on March 22, 2010. Those letters included comments from the Bay Area Clean Water Agencies, San Francisco Baykeeper, Santa Clara Valley Urban Runoff Pollution Prevention Program and their its counsel, Morrison and Foerster, Novato Sanitary District, and the City of Sunnyvale. We have responded to all of the issues raised via minor changes in the Basin Plan amendment and through responses provided in the Responses to Comments document.

Some of the commenters expressed concern that we did not overhaul all of the bacterial indicator objectives in the Basin Plan and address freshwater objectives for contact recreation as well as objectives and implementation for shellfish harvesting. However, such an effort goes far beyond the scope of this project which was limited in scope because there are initiatives underway by the State Water Board to address these other issues on a state-wide basis.

Other commenters raised issues associated with the proposed single sample maximum enterococcus value of 104 MPN/ml and the possible unintended consequences and costs associated with attainment of this objective Bay-wide. The U.S. EPA criteria included multiple single sample maximum values, as a function of the intensity of water contact recreational usage of the water body. We selected the lowest, most protective value, representing frequently utilized areas as public beaches or public water contact sports areas. There is no evidence that this value would result in more costly actions than those associated with higher values or other bacteria objectives. This approach is also consistent with the State Ocean Plan that includes the same objectives to protect ocean waters and beaches.

**RECOMMEN-  
DATION:** Adopt the Resolution.

**APPENDICES:**

- A. Tentative Resolution with Exhibit A, Proposed Basin Plan Amendment
- B. Proposed Basin Plan Amendment showing changes since February 4, 2010
- C. Supporting Staff Report
- D. Responses to Comments
- E. Comment Letters