



Ventura Countywide Stormwater Quality Management Program

Participating Agencies

April 16, 2009

Camarillo

Ms. Tracy Egoscue
Executive Officer

County of Ventura

Los Angeles Regional Water Quality Control Board
320 4th Street, Suite 200
Los Angeles, CA 90013

Fillmore

**SUBJECT: REQUEST FOR PRIORITIZING TOP THREE ISSUES ON
WATER QUALITY STANDARDS AND OTHER BASIN
PLANNING ISSUES FOR THE LOS ANGELES REGION**

Moorpark

Dear Ms. Egoscue:

Ojai

The Ventura Countywide Stormwater Program (Ventura Program) would like to take this opportunity to reiterate comments provided for the Triennial Review in a letter dated November 10, 2008. Pursuant to the Notice of Board Workshop dated March 2, 2009, the Los Angeles Regional Water Quality Control Board (Regional Water Board) is requesting stakeholders identify their organization's three highest priorities for the Triennial Review of the Water Quality Control Plan (Basin Plan) and that the current review is focused on water quality standards. Identifying the issues below should in no way diminish all the issues presented in the original November 10, 2008 letter.

Oxnard

Port Hueneme

San Buenaventura

Modification No. 1 – Revise REC1 and REC2 uses to be consistent with EPA guidance and develop criteria for suspension of water quality objectives due to dangerously high flows or low flows that limit body contact.

Santa Paula

Simi Valley

Many Southern California waterbodies cannot support full body contact recreational uses because they are too shallow for immersion, therefore it is not appropriate to designate these waterbodies REC1 for the protection of human health. A third level of recreational use category between the current REC1 and REC2 uses should be developed for waterbodies where full body water contact does not take place, but water contact is more than incidental.

Thousand Oaks

Ventura County
Watershed Protection
District

The above recommendation is the preferred approach, however at a minimum the definition of REC1 should be revised to reflect the intent of EPA, therefore, the term "reasonably possible" should be replaced with "likely", and should be modified to include only some forms of fishing and wading in the definition of REC1 as not all types of fishing are likely to result in ingestion or immersion.

The definition of REC2 waters should be defined as those used for recreational activities involving proximity to water, but not normally involving body contact with water where ingestion of water is not likely.



Additionally, during high flow conditions, REC1 and REC2 bacterial indicator Water Quality Objectives (WQOs) should be suspended in identified channels within Ventura County (regardless of whether they are engineered or natural) where the wet weather events and resulting high flows create physically unsafe conditions. During wet weather events, the resulting flows within the channels can create life threatening conditions during and immediately following storm events. The unconditional application of REC uses promotes unsafe conditions. The inherent danger of recreating in the creeks, streams, and/or channels during these conditions is widely recognized and already addressed in related Ventura County Flood Control District operations.

Although Resolution 2003-010 (July 10, 2003) created a limited temporary suspension of the water contact recreational uses for various water body segments in Los Angeles County, this suspension only applies to concrete-lined engineered channels in Los Angeles County (those specifically identified in Table 2-1 of the Basin Plan). This was based on the results of a use attainability analysis, which determined that REC1 and REC2 uses are not attainable in these channels during storm events of 0.5 inch or greater – and the 24 hrs following the rain event.

Since similar conditions exist in Ventura County, the Los Angeles Regional Water Board should consider a similar amendment for the identified channels in Ventura County to ensure consistency in regional policies. High flow conditions should be defined for this purpose, such that it is clear when the WQOs apply. The criteria could be based on a defined percentile flow from average dry flow conditions, or could be set as a certain time period following a stipulated rainfall.

In Ventura County, many waters are designated REC1 that do not support this beneficial use due to the physical nature of the water body. The three main reasons a water body may not physically support a REC1 use are 1) the water body is a vertical-walled channel, 2) access to the channel is prohibited, or 3) the water body is too shallow to support immersion or the likely potential for ingestion. These types of water bodies cannot support REC1 beneficial uses, and should not be designated as REC1.

Moreover, Region 8 is considering revising its Basin Plan in a similar fashion. The following preliminary draft language is potentially being considered by other Regional Boards. It would be appropriate to use the same definitions for consistency among Regional Boards.

Primary Contact Recreation (REC1): are waters used for recreational activities involving deliberate water contact, especially by children, where ingestion is likely. Examples of REC1 may include, but are not limited to: swimming, water-skiing, surfing, whitewater rafting, float-tubing, bathing in natural hot springs, skin diving, scuba diving and some forms of wading and fishing. Incidental or accidental water contact resulting in brief exposures that is limited primarily to body extremities (e.g. hands and feet, is not deemed to be REC1.*

Modification No. 2 - Remove the fecal coliform objective from the Basin Plan for freshwaters, and consider removing both the fecal and total coliform objectives for marine waters.

The fecal coliform objective should be removed from the Basin Plan for freshwaters, and it should be considered whether both the fecal and total coliform objectives should be removed for marine waters. EPA's 1986 Ambient Water Quality Criteria for Bacteria (USEPA, 1986) documents the history of the use of total and fecal coliform as indicators of human health and discusses the results of the epidemiological studies completed for the 1986 criteria. The document states that no correlation was found between fecal coliform density and swimming related gastroenteritis (pg. 6).

Modification No. 3 – Criteria for number of exceedances days and single sample maximum allowable densities (SSMs) should be based on confidence levels described in EPA’s Criteria Document and local conditions, and the controllability issues should be acknowledged.

Single sample maximums (SSMs) appropriate for the level of use of individual water bodies should be assigned based on the qualitative descriptions and confidence levels described in EPA’s Criteria Document. If no qualitative level of use is described in the document that is appropriate for the level of use found at an individual water body then an SSM should be calculated using the equation found in EPA’s Criteria Document based on an a higher confidence level.

Additionally, the calculation of geomeans could be broadened to include fewer than 5 samples, or to expand the averaging period. It may be appropriate to calculate seasonal geomeans for some water bodies. Listings should not double-count samples as both a geomean and a SSM.

Exceedances frequencies for marine water bodies should not be applied to inland water bodies. Instead, the number of allowable exceedance days for inland water bodies should be developed based on inland and local conditions.

Moreover, the controllability issues with indicator bacteria should be acknowledged. Implementation actions should be allowed to prioritize human sources, and, given the controllability issues associated with indicator bacteria, these actions should be allowed to count toward compliance with the objectives or allowable exceedance days.

On behalf of the Ventura Countywide Stormwater Quality Management Program, I would like to thank you for the opportunity to submit these comments in an effort to improve the Basin Plan to protect our vital water resources. If you have any questions, please contact me at (805) 654-5051, or via email at Gerhardt.Hubner@ventura.org

Sincerely,



Gerhardt J. Hubner
*On Behalf of the Entire
Ventura Countywide Stormwater Management Program*

cc: Ventura County Stormwater Program Permittees