



# CALIFORNIA OCEAN PROTECTION COUNCIL

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Mike Chrisman, *Secretary for Resources, Council Chair*  
Cruz Bustamante, *Lieutenant Governor*  
Alan Lloyd, *Secretary for Environmental Protection*  
Sheila Kuehl, *State Senator, Ex officio Member*  
Pedro Nava, *State Assemblymember, Ex officio Member*

## **MEMORANDUM**

**TO:** Council Members

**FROM:** Dominic Gregorio, Ocean Unit, State Water Resources Control Board

**DATE:** January 13, 2006

**SUBJECT:** Consideration of adoption of the priorities for State Water Resources Control Board Prop 50 Funds

### **Requested Action**

Staff recommends that the council adopt the following resolution:  
“The California Ocean Protection Council has identified the following areas as a priority for funding with the \$10 million the California State Water Resources Control Board has set aside for the California Ocean Protection Council: 1) development of rapid indicators of pathogen contamination, and 2) development of mechanisms to reduce pollutant discharges into Areas of Special Biological Significance.”

### **Background**

On June 16, 2005 the State Water Resources Control Board adopted a resolution setting aside \$10 million of Proposition 50 funds and directed staff to 1) develop funding guidelines that identify mutual Water Board and Ocean Protection Council priorities and 2) to include a step in the funding process for the Council to review and make recommendations on projects. By adopting the proposed resolution the Ocean Protection Council will articulate its priorities for projects funded under this initiative.

The \$10 million is included in the State Water Board’s current consolidated grants solicitation program. This effort includes seven other funding sources and targeted water quality programs. The overall consolidated grants program includes about \$152 million. Of this total, about \$43 million (including the \$10 million specifically committed) is directed at coastal nonpoint source water quality problems, which means that more than \$10 million may actually go toward Council priorities.

Draft guidelines for the Water Board's consolidated grant program were developed by Water Board staff in consultation with other state agencies, including the Department of Fish and Game, the Coastal Conservancy and the Coastal Commission. State Water Board staff has recommended two major priority areas for the \$10 million Ocean Protection funds: 1) further development of Rapid Indicators of beach contamination, and 2) addressing discharges in Areas of Special Biological Significance (ASBS). These priorities are being presented to both the Council and the State Water Board in early January for approval. If mutually approved, the State Board will then solicit the proposals. State Board staff intends to fast track the \$10 Million proposals and come back before the Council for approval on specific projects in June of 2006, in advance of the State Board meeting in July 2006.

The following are summaries of the two recommended priorities:

### **Rapid Indicators**

Beach water quality is a major issue. Both the Governor's Ocean Action Strategy and the U.S. Commission on Ocean Policy identified a need for better monitoring of beach and nearshore conditions. The Governor's plan specifically identified the need for "developing quicker and more cost effective source identification tools." Conventional culture-based methods currently used to evaluate bacterial contamination require an 18 to 24 hour incubation period. However, changes in the levels of indicator bacteria occur much more rapidly than every 24 hours. This lag time means that beach waters with bacterial levels exceeding standards are not posted or closed until at least the following day. To solve this problem AB 639 (2001) required the State Water Board, in conjunction with the Department of Health Services, to develop reliable, rapid, and affordable diagnostic tests for indicator organisms.

In 2002, the State Water Board funded the Southern California Coastal Water Research Project (SCCWRP) with \$1.5 million to initiate the development of rapid indicators. This has been a collaborative project involving federal, state, and local agencies as well as private firms. While the original funding for this program has expired, the results to date are very promising, especially including the initial results from a summer 2005 test program.

It is essential for the protection of public health and for the advancement of beach water quality science to complete this project now. The most successful rapid methods still need to be refined further, assessed and validated. This should include additional beach water quality testing in contexts not already tested, such as other marine/estuarine beaches in central and northern California, and fresh water beaches. These new rapid methods must be certified for use in ambient waters, and the

technology will need to be shared and transferred to those who will be using the new methods.

Stakeholders participating in the Clean Beaches Task Force and the Beach Water Quality Work Group also support the development and implementation of the Rapid Indicators as a top priority. The California CoastKeeper Alliance, Commonweal, and Heal the Bay stated their support in a letter to the Council dated September 5, 2005. Linda Sheehan of the California CoastKeeper Alliance verbally presented her support for Rapid Indicators at the September 23, 2005 Council meeting. On November 28, 2005 the California Department of Transportation (Caltrans) submitted comments stating that Rapid Indicators should not be a priority for funding, but instead recommended the investigation of natural loadings of bacteria, and the identification of pathogens.

### **Areas of Special Biological Significance (ASBS)**

The State Water Board designated 34 areas of special biological significance in the 1970s, and the California Ocean Plan prohibits waste from being discharged to ASBS. ASBS are also classified as State Water Quality Protection Areas pursuant to the Public Resources Code. SB 512, signed by Governor Schwarzenegger in 2004, reinforces the prohibition on waste discharges in water quality protection areas.

Unfortunately, a recent survey funded by the State Water Board and completed in 2003 identified 1,658 discharges, most of which were likely in violation of the prohibition. The majority of these discharges were storm water and nonpoint sources. The State Water Board staff recommendation to address discharges into ASBS is to impose strict mitigating conditions through the Ocean Plan exception process, which will provide special protections for these important resources. These special protections would control pollutants in runoff, and eliminate dry weather flows. Along with implementation projects, there should also be monitoring and assessment of water quality and marine aquatic life.

These measures will be relatively costly for the coastal municipalities. They will need financial assistance to meet these requirements. Certain ASBS, and their adjacent Critical Coastal Area watersheds, have a greater priority because of the number of discharges from developed areas, and because of their use as recreation areas.

At recent State Water Board workshops, municipalities and environmental groups were generally in agreement that funding should be made available to implement protections in priority ASBS. The California CoastKeeper Alliance, Commonweal, and Heal the Bay stated in a letter to the Council dated September 5, 2005, "that the Council clearly support using most, if not all, of the \$10 million for CCA/ASBS projects, as well as for coordinated coastal monitoring efforts, particularly along the Central Coast." At the September 23, 2005 Council Meeting Mr. Warner Chabot,

representing the Ocean Conservancy and the Natural Resources Defense Council, submitted oral and written comments in support of the funding water quality protections in ASBS and adjacent Critical Coastal Areas. On November 28, 2005 the California Department of Transportation (Caltrans) submitted comments strongly supporting ASBS as a priority, and also recommended that other non-ASBS projects associated with natural loadings of indicator bacteria, identification of pathogens, sediment and source controls in relation to storm water runoff be considered as a priorities for funding.