



ORANGE COUNTY  
**COASTKEEPER**  
EDUCATION / ADVOCACY / RESTORATION / ENFORCEMENT

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February 27, 2012

David Woelfel  
SARWQCB  
3737 Main St, Suite 500  
Riverside, CA 92501

**Re: Comments on Proposed Basin Plan Amendments: Recreational Use Standards for Inland Fresh Surface Waters in the Santa Ana Region**

Dear Mr. Woelfel,

Orange County Coastkeeper (Coastkeeper) is an environmental organization with the mission to preserve and protect the coastal waters and watersheds of the area through education advocacy restoration research and enforcement. We have participated in the stakeholder process to develop recommendations for the proposed basin plan amendments as a member of the Storm Water Task Force (SWTF) for the past six years. We support the proposed amendments which are based on the recommendations of the SWTF and respectfully submit the following clarifying comments:

**Primary Recreational Use Standard**

At the beginning of the process the SWTF agreed that the goal of the process was to protect recreational uses where they exist and to revise the standards in other areas to reflect the existing uses. It was also agreed that this process was not intended to be a vehicle to revise standards to avoid having to make the necessary investments in pollution controls to meet water quality standards. With this in mind, and after years of discussion the SWTF agreed on the use of a 126 MPN/100ml geomean standard for REC1 waters, which equates to an approximate illness level among swimmers of 8/1000. This level was chosen for several reasons, with the primary reason to provide the same level of protection for swimmers in this region as is provided in the rest of the state and most of the country. Coastkeeper supports this decision and strongly disapproves of the use of any higher number for a geomean, as will the rest of the environmental community and the vast majority of the public.

In the staff report, considerable time is spent discussing the development of the different USEPA recommendations for bacteria standards over time ending with a conclusion that the USEPA will accept an illness rate of eight to ten per thousand as being just a protective as the current fecal coliform standard the proposed Basin Plan amendments

replace. While this may be statistically correct, there can be no doubt that the adoption of a higher geomean (which correlates to a higher illness rate) would result in a larger number of sick swimmers and set the Santa Ana Region apart as having the weakest recreational water quality standard in the state. Coastkeeper rejects the idea that a geomean above 126 MPN/1000 is adequately protective of primary contact recreation and can only conclude that any consideration of such a standard would be an attempt to avoid the costs associated with taking the necessary steps to improve water quality where necessary to meet the 126 MPN/100 ml standard recommended by the SWTF. So we reiterate our support for Basin Plan Amendment using the SWTF recommendation of 126 MPN/100ml as the primary contact recreation standard with no exceptions. This will maintain the health of swimmers in the Santa Ana Watershed at the same level as in the rest of the state and give swimmers in the area confidence that our waters are safe for recreation.

### **Compliance Costs**

The staff report also mentions the compliance cost analysis done by CDM as part of this process and presents cost estimates from this analysis. While this analysis was well done (according to the instructions that that CDM was given) it is important to note that this study was intended as a worst case scenario (cost wise) and assumed that the primary recreational uses standard had to be met at all locations in every water using only one type of Best Management Practice (BMP), diversion to a treatment plant. This resulted in a greatly exaggerated cost estimate for compliance with the recreational uses standard. Coastkeeper brought this to the attention of the SWTF during discussions of the study and on the costs of compliance.

First of all, one of the goals of the proposed Basin Plan Amendments is to remove the necessity to meet primary recreational standards in the areas where they do not occur. This includes over 90% of the waterbodies in the watershed. So potentially 90% of the cost estimate presented is unnecessary. Secondly, the analysis does not consider the most likely scenario to meet water quality standards which would include a variety of conservation measures, including new regulations and BMPs along with infiltration and recycling efforts that would not only reduce pollution but provide direct benefits to the local water supply and offset much of the cost of implementation. So the real cost for implementation of an effective set of BMPs to meet water quality standards in the proposed Basin Plan Amendments may less than 10% of the cost estimate from the CDM study. Using this estimate, the costs of compliance are relatively low.

Also paragraph two on page 106 that attempts to break down the cost benefit per swimmer is complete speculation and should be deleted from the proposed BPA. This analysis does not take into account the intangible losses that the perceptions of poor water quality bring, including loss of visitors, lower property values, and loss of recreational opportunities from living in an area with poor water quality and poor access to public waters.

### **High Flow Suspension/Engineered Flood Control Channel Maps**

Coastkeeper has concerns about the maps referenced on page sixty nine of the proposed BPA identifying the modified and engineered flood control channels. We feel that these maps overestimate the amount of area that is maintained for “flood control”. Many of the areas identified as flood control channels, including large sections of Temescal Creek and many other locations are in reality largely natural areas that have important habitat and wildlife values.

As a trained cartographer I am aware of the difficulty of adequately displaying such large areas at a resolution that allows the accurate representation of flood control facilities. However these maps were devoid of essential information such as stream names and the type of flood control facility being represented to the point of making them useless for determining their accuracy. I spent several hours reviewing the maps and could never get a good idea of what part of what waterbody I was looking at or determine the “flood control” function identified.

These distinctions are important as many of the natural areas identified on the map are or could be habitat restoration or species recovery areas where the designation of the area as a flood control facility would endanger or eliminate the ability to receive funding for habitat and species restoration projects. So while we would support the use of these maps for delineating the areas that would be subject to a high flow suspension for recreational uses, the Regional Board should state that this is the only intended use of the maps presented in this proposed BPA and that they were not intended to and do not present an accurate representation of the natural areas interspersed within the flood control facilities represented on the maps.

Thank you,



Raymond Hiemstra  
Associate Director  
Orange County Coastkeeper