

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
JUNE 5, 2012**

**ITEM 8**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION TO ALLOCATE UP TO \$1,000,000 FOR FISCAL YEAR 2012-2013 AND UP TO \$1,800,000 ANNUALLY THROUGH FISCAL YEAR 2015-2016 FROM THE WASTE DISCHARGE PERMIT FUND TO CONTINUE THE BEACH SAFETY PROGRAM AND AUTHORIZE THE DEPUTY DIRECTOR OF THE DIVISION OF WATER QUALITY 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.

CDPH funded counties to implement the Beach Safety Program (Program) using General Funds. During Fiscal Year (FY) 2007-2008, CDPH distributed a total of \$1,098,851 for the Program. The Program's proposed budget for FY 2008-2009 was reduced by 10 percent to \$984,000. However, Governor Arnold Schwarzenegger used line item veto authority to delete the program funding from the budget due to the severe General Fund deficit.

Pending identification of a sustainable long-term funding source, the State Water Resources Control Board (State Water Board) provided Proposition 13, Proposition 50, and American Recovery and Reinvestment Act funds to CDPH to continue the Program through December 31, 2011.

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 Board. SB 482 also provides the State Water Board with a sustainable means of funding the Program through the Waste Discharge Permit Fund (WDPF) beginning July 1, 2012. The State Water Board has been using 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](#)).

This resolution will allow the State Water Board to implement the SB 482 provisions for funding local agencies utilizing WDPF funds beginning on July 1, 2012. These funds will allow 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. For the period of October 1, 2012, through September 30, 2013, California is eligible to receive a preliminary allocation of \$506,000 of BEACH Act grant funds.

[Resolution 2012-0009](#), approved the application for federal funds. The U.S. EPA BEACH Act funds of \$506,000 will be used to supplement the Program. This resolution authorizes 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 allocations to local agencies to further implement the Program in accordance with the BEACH Act grant requirements.

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

## **POLICY ISSUE**

Should the State Water Board:

1. Approve up to \$1,000,000 of funds, upon appropriation from the Legislature, from the WDPF to implement the Program for FY 2012-2013?
2. Approve up to \$1,800,000 of funds, upon appropriation from the Legislature, from the WDPF to implement the Program for forthcoming fiscal years through FY 2015-2016?
3. Authorize the Deputy Director of the Division of Water Quality, or designee, to issue financial assistance agreements, any amendments thereto, and to perform all tasks necessary to implement the Program?
4. Authorize 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?

## **FISCAL IMPACT**

The State Water Board is authorized to assess and collect \$1,000,000 in WDPF fees in order to implement the provisions of SB 482. This resolution should have no net fiscal impact on the State Water Board. This fee will lead to an increase in the total WDPF charged to permittees of approximately 1% over existing levels. The financial assistance agreements with local agencies will cover only a portion of the expenses incurred by them to operate the Program. The State Water Board, in concert with U.S. EPA is minimizing this fiscal impact on local agencies and permittees through the use of BEACH Act grant funds.

## **REGIONAL BOARD IMPACT**

Yes, the Program benefits all coastal Regional Water Boards.

## **STAFF RECOMMENDATION**

That the State Water Board:

1. Approve up to \$1,000,000 from the WDPF to implement the Program for FY 2012-2013.
2. Approve up to \$1,800,000 of funds, upon appropriation from the Legislature, from the WDPF to implement the Program for forthcoming fiscal years through FY 2015-2016.
3. Authorize the Deputy Director of the Division of Water Quality, or designee, to issue financial assistance agreements, any amendments thereto, and to perform all tasks necessary to implement the Program.
4. Authorize 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.

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. 2012-

ALLOCATE UP TO \$1,000,000 FOR THE FISCAL YEAR 2012-2013 AND UP TO \$1,800,000 ANNUALLY THROUGH FISCAL YEAR 2015-2016 FROM THE WASTE DISCHARGE PERMIT FUND TO CONTINUE THE BEACH SAFETY PROGRAM AND AUTHORIZE THE DEPUTY DIRECTOR OF THE DIVISION OF WATER QUALITY TO ACCEPT THE BEACH GRANT FOR SUPPORT OF THE PROGRAM

### WHEREAS:

1. The California Department of Public Health (CDPH) formerly administered the Beach Safety Program (Program), which funded beach water quality monitoring with both state and federal funds.
2. The Beach Safety Program (Program) is a project that provides comprehensive monitoring, collecting, and analysis of ambient water quality, including monitoring technology that can be entered into a statewide database with standardized protocols and sampling, collection, storage, and retrieval procedures;
3. The State Water Resources Control Board (State Water Board) provided funding to CDPH for the Program from July 1, 2008, through December 31, 2011, pending identification of a long-term sustainable funding source.
4. On October 8, 2011, the Governor signed Senate Bill (SB) 482 (Stats. 2011, ch. 592) transferring authority over water quality monitoring at beaches from the CDPH to the State Water Board.
5. SB 482 authorizes up to \$1,800,000 annually from the Waste Discharge Permit Fund (WDPF), upon appropriation by the Legislature, to implement the Program;
6. This funding may begin on July 1, 2012, upon appropriation from the Legislature, and continue through June 30, 2016;
7. 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;
8. The State Water Board submitted an application for, and is eligible to receive, a preliminary allocation of \$506,000 in 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 up to \$1,000,000 of funds, upon appropriation by the Legislature, from the WDPF to implement the Program for Fiscal Year (FY) 2012-2013;
2. Approves up to \$1,800,000 of funds annually, upon appropriation by the Legislature, from the WDPF to implement the Program for forthcoming fiscal years through FY 2015-16;
3. Authorizes the Deputy Director of the Division of Water Quality, or designee to issue financial assistance agreements, any amendments thereto, and to perform all tasks necessary to implement the Program;
4. Authorizes 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; and,
5. 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 June 5, 2012.

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Jeanine Townsend  
Clerk to the Board