



Heal the Bay

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February 25, 2019

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

Submitted via email to: losangeles@waterboards.ca.gov

Re: Revised Notice of Public Hearing and Opportunity to Comment for Proposed Revisions to the Clean Water Act Section 303(d) List of Impaired Waterbodies in the Los Angeles Region Pertaining to Bacteriological Water Quality at Nine Ventura County Beaches

Dear Chair Munoz and Members of the Los Angeles Regional Water Quality Control Board:

Heal the Bay is an environmental organization with over 30 years of experience and 15,000 members dedicated to making the coastal waters and beaches of California safe, healthy, and clean. We appreciate the opportunity to provide comments on removing nine Ventura County beaches from the Clean Water Act Section 303(d) List. We have reviewed the Regional Board Staff Report dated January 2019 (hereafter called Staff Report) and determined that these beaches should remain on the 303(d) list until more rigorous monitoring and data analysis is done and until water quality improvement programs have been implemented.

Heal the Bay has monitored beach water quality and advocated for improved recreational water quality along California's coastline for over 30 years through our Beach Report Card and NowCast programs. We support the Regional Board's overall Vision Plan to address listed waterbodies through TMDL development or to delist impaired waterbodies when appropriate. However, we do not support the delisting of these nine Ventura County beaches until the following comments are addressed:

- Appropriate delisting criteria need to be used for bacteria water quality objectives where recreational uses apply.
- Delisting decisions must be made with up-to-date data.
- Data analysis errors in the Staff Report must be corrected.
- *Enterococcus* single sample limit data should be presented alongside geometric mean data for comparison.
- Beaches should only be delisted if there have been observable improvements in water quality.

These comments are discussed in further detail below.



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Appropriate delisting criteria need to be used for bacteria water quality objectives where recreation uses apply.

The analysis in the Regional Board’s Staff Report states that bacteria exceedance rates are low enough to be delisted according to table 4.2 of the Listing Policy.¹ However, section 4.3 of the Listing Policy clearly states that the table in section 4.2 should not be used for bacteria objectives. Section 4.3 of the Listing Policy states that a table specific to AB411 beaches (hereafter called AB411 Table) should be used for delisting instead.

When table 4.2 is incorrectly used to assess delisting status, 8 of the 9 beaches meet the delisting criteria. However, when the correct AB411 table is used, Peninsula Beach, Port Hueneme Beach, Surfer’s Point Beach, San Buena Ventura Beach 19000, and Rincon Beach 1050 do not meet delisting criteria (see Table 1 at the end of this letter). The delisting analysis in the Staff Report must be updated using the AB411 Table before any listing decisions are made.

Delisting decisions must be made with up-to-date data.

Some of the temporal representation requirements for delisting are not met in the Staff Report. Section 6.1.5.3 of the Listing Policy states “Samples should be representative of the critical timing that the pollutant is expected to impact the water body.”

The latest data presented in the Staff Report is from October 2017 (with some exceptions). To meet the temporal representation requirements of the Listing Policy, the most up-to-date data should be used in the Staff Report. We ask that the Staff Report include data through 2018 as we have observed Fecal Coliform/*E. coli*. and *Enterococcus* exceedances at Promenade Beach, Ormond Beach, Rincon Beach, San Buena Ventura Beach, Surfer’s Point Beach, and Port Hueneme Beach since October 2017 (Table 2).

For Rincon Parkway Beach, Promenade Park Beach 16000, Rincon Beach 1001 & 1050 the latest data presented in the Staff Report is from 2008. There is no evidence to suggest that fecal indicator bacteria have not impacted these beaches in the 10+ years since 2008 when they were last monitored. Monitoring must be reinstated at these stations and data analysis must be completed on the latest data before any delisting decisions are made.

Data analysis errors in the Staff Report must be corrected.

We have found a number of inconsistencies in the data analysis for Ormond Beach in the Staff Report. The Staff Report states that there were no Fecal Coliform/*E. coli* exceedances at Ormond Beach (see Table 5 of the Staff Report); however, we found 29 exceedances (Table 3) in the raw data provided on the California Water Board Website.²

¹https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_amendment_clean_version.pdf

² https://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/index.html



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The large amount of missing exceedances in the Staff Report suggests that there was a major data analysis error. In addition to Ormond Beach, we also identified higher numbers of exceedances than what were reported in the Staff Report at Peninsula Beach, Surfer's Point Beach, Point Mugu Beach, Rincon 1001, and San Buena Ventura Beach 19000 (Table 4).

If there was a method for removing samples from the Staff Report analysis it must be provided in writing. We were unable to discern any method or justification for removing samples from the Staff Report. For example, Ormond 43000 was sampled twice on 10/28/2003 (Table 3), and both samples exceeded the objective for Fecal Coliform/*E. coli*. Both of those samples appear to have been removed from the Staff Report analysis. The discrepancies between the raw data provided and the Staff Report, particularly at Ormond Beach, must be addressed before any delisting decision is made.

We also noticed that Tables 4-13 of the staff report incorrectly list the REC-1 Bacteria Objectives. All Fecal Coliform/*E. coli* tables list 35 cfu/100ml as the geometric mean objective when it should be 200 cfu/100ml. The correct objectives must be used in the Staff Report before any delisting decision is made.

***Enterococcus* single sample limit data should be presented alongside geometric mean data for comparison.**

While the REC-1 Bacteria Water Quality Objectives only require a geometric mean analysis for listing and delisting decisions, we ask that the Regional Board include *Enterococcus* Single Sample Limit data in their delisting analysis (as they did for Fecal Coliform/*E. coli*). The REC-1 Bacteria Water Quality Objectives state "The applicable STV shall not be exceeded by more than 10 percent of the samples collected in a CALENDAR MONTH, calculated in a static manner."

If a beach is sampled weekly under AB411 regulations, it would only take one exceedance to not meet this water quality objective (approximate 25% exceedance rate). Conversely, the geometric mean objective is more lenient because one exceedance will not necessarily lead to a violation of the objective. This creates a situation where a beach can meet one objective yet simultaneously be in violation of another. Therefore, we ask that the Staff Report include the Single Sample Limits analysis for *Enterococcus* alongside the geometric mean analysis even though the geometric mean analysis takes precedence for listing decisions.

Beaches should only be delisted if there have been observable improvements in water quality.

We believe delisting decisions should only be made after steps are taken to manage and improve water quality. The Regional Board seeks to delist these beaches based on a change in bacteria objectives and not on an observable change in water quality. These beaches were originally listed as impaired to help protect the public from illness. We ask that the Regional Board stay committed to that goal and implement projects that will improve the water quality at these 9 beaches in order to keep the public safe.



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We ask that the 303(d) listed Ventura County beaches remain listed until more rigorous data analysis is completed with the most up-to-date data and water quality projects are implemented at these 9 beaches. We thank you for your consideration of these comments. Please contact Luke Ginger at lginger@healthebay.org or (310) 451-1500 x 111 with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luke Ginger', written over a light gray rectangular background.

Luke Ginger
Water Quality Scientist
Heal the Bay



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Table 1: Number of samples and exceedances for *Enterococcus* rolling six-week geometric means provided in the Regional Board’s Staff Report compared to the number of allowed exceedances for delisting according to tables 4.2 and AB411 of the Listing Policy. Numbers in bold do not meet the delisting criteria according to table 4.2 of the Listing Policy. Numbers marked with * do not meet the delisting criteria according to table AB411 of the Listing Policy.

Beach Name	Station	Number of Samples	Number of Exceedances	Table 4.2 Allowed Exceedances	Table AB411 Allowed Exceedances
Peninsula Beach	23000	686	73	113	67*
Surfer's Point Beach	13000	898	104	148	88*
Rincon Parkway North Beach	6000	366	0	60	35
Port Hueneme Beach	41000	294	45	48	28*
Point Mugu Beach	45000	614	6	101	60
Ormond Beach	42000	793	45	131	77
Ormond Beach	43000	650	41	107	63
Ormond Beach	44000	650	0	107	63
Promenade Park Beach	14000	887	76	147	87
Promenade Park Beach	15000	579	18	95	56
Promenade Park Beach	16000	372	15	61	36
Promenade Park Beach	17000	606	63	100	59
Rincon Beach	1000	813	142	134*	79*
Rincon Beach	1001	286	285	47*	28*
Rincon Beach	1050	571	58	94	56*
Rincon Beach	1100	444	22	73	43
San Buena Ventura Beach	18000	568	26	94	55
San Buena Ventura Beach	19000	819	97	135	80*
San Buena Ventura Beach	20000	574	13	95	56
San Buena Ventura Beach	21000	572	4	94	56



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Table 2: Fecal Coliform/*E. coli* and *Enterococcus* exceedances measured at Ventura County beaches from October 2017-December 2018. Numbers in bold exceed bacteria objectives. This data was obtained from Ventura County Environmental Health Division.

Beach Name	Station	Sample Date	Fecal Coliform/ <i>E. coli</i> (MPN/100ml)	<i>Enterococcus</i> (MPN/100ml)
Promenade Park Beach	VC14000	12/10/2018	10	111
Ormond Beach	VC42000	12/3/2018	175	164
Rincon Beach	VC1000	12/3/2018	201	254
Promenade Park Beach	VC14000	3/26/2018	20	111
Rincon Beach	VC1000	3/26/2018	75	150
San Buena Ventura Beach	VC19000	3/12/2018	10	111
Ormond Beach	VC42000	3/12/2018	389	453
Rincon Beach	VC1000	3/12/2018	218	659
Ormond Beach	VC43000	1/29/2018	134	137
Ormond Beach	VC42000	1/29/2018	373	137
Rincon Beach	VC1000	1/29/2018	10	150
Promenade Park	VC14000	1/29/2018	233	207
Rincon Beach	VC1000	1/22/2018	52	624
Surfer's Point Beach	VC13000	1/17/2018	31	192
Rincon Beach	VC1000	1/16/2018	904	2005
Port Hueneme Beach	VC41000	2/5/2018	24196	10



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Table 3: Fecal Coliform/*E. coli* single sample maximum (SSM) exceedances measured at Ormond Beach stations November 1998 to October 2017. Raw data obtained from:

https://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/index.html

Station Name	Sample Date	Sample Time	parameter	qualifier	Result	unit
42000	2/7/2017	12:08:00	E. Coli	=	1483	MPN/100ml
42000	1/24/2017	11:55:00	E. Coli	=	703	MPN/100ml
42000	1/9/2017	12:27:00	E. Coli	=	5475	MPN/100ml
42000	3/7/2016	12:20:00	E. Coli	=	1670	MPN/100ml
42000	2/23/2015	12:10:00	E. Coli	=	576	MPN/100ml
42000	1/23/2012	13:55:00	E. Coli	=	733	MPN/100ml
42000	12/19/2011	12:45:00	E. Coli	=	605	MPN/100ml
42000	10/26/2010	10:17:00	E. Coli	=	471	MPN/100ml
42000	2/8/2010	11:39:00	E. Coli	=	598	MPN/100ml
42000	9/11/2007	8:37:00	E. Coli	=	7270	MPN/100ml
42000	2/13/2001	10:07:00	E. Coli	=	609	MPN/100ml
42000	12/20/2000	14:34:00	E. Coli	=	408	MPN/100ml
42000	12/13/2000	15:06:00	E. Coli	=	441	MPN/100ml
43000	12/7/2009	11:43:00	E. Coli	=	3448	MPN/100ml
43000	5/9/2005	10:27:00	E. Coli	=	2987	MPN/100ml
43000	12/16/2003	9:50:00	E. Coli	=	1211	MPN/100ml
43000	11/19/2003	13:52:00	E. Coli	=	820	MPN/100ml
43000	10/28/2003	14:07:00	E. Coli	=	496	MPN/100ml
43000	10/28/2003	14:09:00	E. Coli	=	416	MPN/100ml
43000	2/11/2003	9:32:00	E. Coli	=	1130	MPN/100ml
43000	3/21/2001	15:04:00	E. Coli	=	727	MPN/100ml
43000	3/20/2001	10:27:00	E. Coli	=	650	MPN/100ml
43000	3/6/2001	11:12:00	E. Coli	=	1246	MPN/100ml
43000	1/3/2001	10:34:00	E. Coli	=	467	MPN/100ml
43000	8/8/2000	11:07:00	E. Coli	=	435	MPN/100ml
44000	1/9/2017	12:45:00	E. Coli	=	471	MPN/100ml
44000	8/22/2007	14:07:00	E. Coli	<	6488	MPN/100ml
44000	11/28/2000	10:26:00	E. Coli	=	1414	MPN/100ml
44000	9/26/2000	10:52:00	E. Coli	=	594	MPN/100ml



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Table 4: Number of Fecal Coliform/*E. coli* single sample maximum (SSM) exceedances in the Staff Report versus the raw data provided on the CA Water Board website for 303(d) listed Ventura County Beaches. Numbers in bold do not match. Raw data obtained from:

https://www.waterboards.ca.gov/losangeles/water_issues/programs/303d/index.html

Beach Name	Station	Raw Data Exceedances	Staff Report Exceedances
Peninsula Beach	23000	17	16
Surfer's Point Beach	13000	27	24
Rincon Parkway North Beach	6000	2	2
Port Hueneme Beach	41000	9	9
Point Mugu Beach	45000	4	0
Ormond Beach	42000	13	0
Ormond Beach	43000	12	0
Ormond Beach	44000	4	0
Promenade Park Beach	14000	22	22
Promenade Park Beach	15000	7	7
Promenade Park Beach	16000	7	7
Promenade Park Beach	17000	11	11
Rincon Beach	1000	38	38
Rincon Beach	1001	184	181
Rincon Beach	1050	16	16
Rincon Beach	1100	7	7
San Buena Ventura Beach	18000	14	14
San Buena Ventura Beach	19000	28	25
San Buena Ventura Beach	20000	9	9
San Buena Ventura Beach	21000	4	4