



Regulations for Public Beaches and Ocean Water-Contact Sports Areas

Last Update: March 28, 2000

The California Department of Health Services' (DHS') regulations for public beaches and ocean water-contact sports areas include those developed in response to requirements of Health and Safety Code §115880 (Assembly Bill 411, Statutes of 1997, Chapter 765). The text of AB 411 is included in **Appendix A** to DHS' beaches guidance documents.

The AB 411-implementing regulations, which follow, are described and explained in the regulation's **Statement of Reasons**.

Title 17 of the California Code of Regulations

Group 10. Sanitation, Healthfulness and Safety of Ocean Water-Contact Sports Areas

Article 2. Definitions

7956. Storm Drain.

"Storm drain" means a conveyance through which water flows onto or adjacent to a public beach and includes rivers, creeks, and streams, whether in natural or in man-made channels.

NOTE: Authority cited: Sections 100275, 115880, and 116075, Health and Safety Code. Reference: Sections 115880, 116075, and 116080, Health and Safety Code.

HISTORY:

1. New section filed 7-26-99 as an emergency; operative 7-26-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-23-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 7-26-99 order transmitted to OAL 10-15-99 and filed 11-30-99 (Register 99, No. 49).

Article 4. Healthfulness

7957. Physical Standard.

No sewage, sludge, grease, or other physical evidence of sewage discharge shall be visible at any time on any public beaches or water-contact sports areas.

NOTE: Authority cited: Sections 208, and 24156, Health and Safety Code. Reference: Sections 24156, Health and Safety Code.

HISTORY:

1. New NOTE filed 3-20-84 (Register 84, No. 12).

7958. Bacteriological Standards.

(a) The minimum protective bacteriological standards for waters adjacent to public beaches and public water-contact sports areas shall be as follows:

(1) Based on a single sample, the density of bacteria in water from each sampling station at a public beach or public water contact sports area shall not exceed:

- (A) 1,000 total coliform bacteria per 100 milliliters, if the ratio of fecal/total coliform bacteria exceeds 0.1; or
- (B) 10,000 total coliform bacteria per 100 milliliters; or
- (C) 400 fecal coliform bacteria per 100 milliliters; or
- (D) 104 enterococcus bacteria per 100 milliliters.

(2) Based on the mean of the logarithms of the results of at least five weekly samples during 30-day sampling period, the density of bacteria in water from any sampling station at a public beach or public water contact sports area, shall not exceed:

- (A) 1,000 total coliform bacteria per 100 milliliters; or
- (B) 200 fecal coliform bacteria per 100 milliliters; or
- (C) 35 enterococcus bacteria per 100 milliliters.

(b) Water samples shall be submitted for bacteriological analyses to a laboratory certified by the Environmental Laboratory Accreditation Program, California Department of Health Services in microbiology for methods for the analysis of the sample type. [see **recommended methods**]

NOTE: Authority cited: Sections 100275, 115880, and 116075, Health and Safety Code. Reference: Sections 115880, 116075, and 116080, Health and Safety Code.

HISTORY:

1. Amendment filed 7-15-85; effective thirtieth day thereafter (Register 85, No. 29).
2. Repealer and new section and amendment of Note filed 7-26-99 as an emergency; operative 7-2 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-23-99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7-26-99 order transmitted to OAL 10-15-99 and filed 11-30-99 (Register 99, No. 49).

7959. Bacteriological Sampling.

(a) In order to determine that the bacteriological standards specified in Section 7958 above are being met in a water-contact sports area designated by a Regional Water Quality Control Board in waters affected by a waste discharge, water samples shall be collected at such sampling stations and at such frequencies as may be specified by said board in its waste discharge requirements.

(b) In waters of a public beach or water-contact sports area that has not been so designated by a Regional Water Quality Control Board, water samples shall be collected at such frequencies as may be determined by the local health officer or Department. Local health officers shall be responsible for the proper collection and analysis of water samples in such areas.

NOTE: Authority cited: Sections 208, and 24156, Health and Safety Code. Reference: Sections 24156 and 24157, Health and Safety Code.

HISTORY:

1. Amendment filed 7-15-85; effective thirtieth day thereafter (Register 85, No. 29).

7960. Corrective Action.

(a) When a public beach or public-water-contact sports area fails to meet any of the standards as set forth in Section 7957 or 7958 above, the local health officer or the Department, after taking into consideration the causes therefor, may at his or its discretion close, post with warning signs, or otherwise restrict use of said public beach or public water-contact sports area, until such time as corrective action has been taken and the standards as set forth in 7957 and 7958 above are met.

NOTE: Authority cited: Sections 208, and 24156, Health and Safety Code. Reference: Sections 24156 and 24157, Health and Safety Code.

HISTORY:

1. Amendment filed 7-15-85; effective thirtieth day thereafter (Register 85, No. 29).

7961. Public Beaches Visited by More than 50,000 People Annually and Adjacent to Storm Drains.

(a) Waters adjacent to a public beach shall be tested for bacteria identified in Section 7958 on at least a weekly basis from April 1 to October 31, inclusive, if the beach is

- (1) Visited by more than 50,000 people annually, and
- (2) Located adjacent to a storm drain that flows in the summer.

(b) Water samples shall be taken from locations that include areas affected by storm drains. Samples shall be taken in ankle- to knee-deep water, approximately 4 to 24 inches below the water surface.

(c) When testing reveals that the waters adjacent to a public beach fail to meet any of the standards set forth in Section 7958(a)(1), the local health officer shall post the beach pursuant to Health and Safety Code Section 115915, and shall use the standards of Sections 7958(a)(1) and (2) in determining the necessity to restrict the use of or close the public beach or portion thereof.

(d) In the event of a known release of untreated sewage into waters adjacent to a public beach, the health officer shall:

- (1) Immediately post and close the beach or a portion thereof, or otherwise restrict its use until the source of the sewage release is eliminated;
- (2) Sample the affected waters; and
- (3) Continue closure or restriction of the beach or a portion thereof and posting the beach until testing results establish that the standards of Sections 7958(a)(1) are satisfied.

NOTE: Authority cited: Sections 100275, 115880, and 116075, Health and Safety Code. Reference: Sections 115880, 116075, and 116080, Health and Safety Code.

HISTORY:

1. New section filed 7-26-99 as an emergency; operative 7-26-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-23-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 7-26-99 order transmitted to OAL 10-15-99 and filed 11-30-99 (Register 99, No. 49).

7962. Duties Imposed on a Local Public Officer or Agency.

(a) Pursuant to Health and Safety Code Sections 115880(h), 115885(g), and 115915(c), any duty imposed upon a local public officer or agency by Section 7961 shall be mandatory only during a fiscal year in which the Legislature has appropriated sufficient funds, as determined by the State Director of Health Services, in the annual Budget Act or otherwise for local agencies to cover the costs to those agencies associated with performance of these duties.

NOTE: Authority cited: Section 100275, Health and Safety Code. Reference: Sections 115880, 115885, and 115915, Health and Safety Code.

HISTORY:

1. New section filed 7-26-99 as an emergency; operative 7-26-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-23-99 or emergency language will be repealed by operation of law on the following day.
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[Return to Beaches Guidance and Regulations](#)

[Home](#)