

Presented below are water quality standards that are in effect for Clean Water Act purposes.

EPA is posting these standards as a convenience to users and has made a reasonable effort to assure their accuracy. Additionally, EPA has made a reasonable effort to identify parts of the standards that are not approved, disapproved, or are otherwise not in effect for Clean Water Act purposes.

California Ocean Plan (Text)

II. WATER QUALITY OBJECTIVES

V. Bacterial Characteristics

1. Water-Contact Standards

Subsection (a) of this section contains bacteria water quality objectives adopted by the State Water Board for ocean waters used for water contact recreation. Subsection (b) describes the beach notification levels for waters adjacent to public beaches and public water contact sports areas in ocean waters.

a. State Water Board Water-Contact Objectives

- (1) Within a zone bounded by the shoreline and a distance of 1,000 feet from the shoreline or the 30-foot depth contour, whichever is further from the shoreline, and in areas outside this zone used for water contact sports, as determined by the Regional Water Board (i.e., waters designated as REC-1), but including all kelp beds, the following water quality objectives shall be maintained throughout the water column.

Fecal coliform¹

A 30-day geometric mean (GM) of fecal coliform density not to exceed 200 per 100 milliliters (mL), calculated based on the five most recent samples from each site, and a single sample maximum (SSM) not to exceed 400 per 100 mL.

Enterococci

A six-week rolling GM of enterococci not to exceed 30 colony forming units (cfu) per 100 milliliters (mL), calculated weekly, and a statistical threshold value (STV) of 110 cfu/100 mL not to be exceeded by more than 10 percent of the samples collected in a calendar month, calculated in a static manner. U.S. EPA recommends using U.S. EPA Method 1600 or other equivalent method to measure culturable enterococci.

VI. Natural Sources of Bacteria

1. Applicability

- (1) The implementation provisions contained in Chapter III.D.2 apply to municipal storm water discharges regulated pursuant to Clean Water Act section 402(p) and non-point source discharges except on-site wastewater treatment system discharges. These implementation provisions do not apply to NPDES discharges other than municipal storm water discharges.

2. Reference System/Antidegradation Approach and Natural Sources Exclusion Approach

- (1) TMDLs include waste load allocations for point sources, load allocations for nonpoint sources, and natural background levels to identify and enumerate each individual source.

¹ This is not a new water quality standard subject to EPA approval. The Ocean Plan Amendment is retaining the fecal coliform objective contained in the existing California Ocean Plan because California-specific epidemiological studies provide data that suggest fecal coliform may be a better indicator of gastrointestinal illness than enterococci during certain types of exposure and environmental conditions.

In the context of a TMDL or a basin plan amendment developed to implement the applicable bacteria water quality objective, a reference system/antidegradation approach may be utilized to ensure: (1) bacteriological water quality is at least as good as that of an applicable reference system, and (2) no degradation of existing water quality is allowed when the existing water quality is better than the reference system. In such circumstances, the TMDL or basin plan amendment may include a certain frequency of exceedance of the applicable bacteria water quality objective based on the observed exceedance frequency in the applicable reference system or the targeted waterbody, whichever is less.

In the context of a TMDL or a basin plan amendment developed to implement the applicable bacteria water quality objective, a natural source exclusion approach may be utilized after all anthropogenic sources of bacteria are identified, quantified, and controlled. In such circumstances, the TMDL or basin plan amendment may include a certain frequency of exceedance of the applicable bacteria water quality objective based on the observed exceedance frequency of the identified and quantified natural sources of bacteria of the targeted waterbody.

N. Water Quality Standards Variance

Federal regulations establish an explicit regulatory framework for the adoption of a water quality standards variance (WQS Variance) that states may use to implement adaptive management approaches to improve water quality (40 C.F.R. § 131.14 (herein referred to as the federal rule)). The State Water Board and Regional Water Boards are not required to adopt specific authorizing provisions into state law before establishing a WQS Variance consistent with the federal rule. The following explains the existing requirements that a water board must follow to establish a WQS Variance consistent with the federal rule.

Under the federal rule, a WQS Variance may be adopted for one or more NPDES dischargers or for a water body or waterbody segment, but the WQS Variance only applies to the discharger(s) or the water body or waterbody segment specified in the WQS Variance.

The federal rule specifies that any WQS Variance is not effective unless and until it is approved by U.S. EPA. The federal rule also specifies that a WQS Variance is subject to the public participation requirements at 40 Code of Federal Regulations section 131.20(b), which requires that one or more public hearings be held in accordance with state law and U.S. EPA's public participation regulation (40 C.F.R. part 25).

Where a discharger-specific WQS Variance is established by a single permit, including an individual permit or a general permit, or other order, the federal rule's public participation requirements must be satisfied, and the provisions in the permit or other order that rely upon the discharger-specific WQS Variance must be conditioned upon U.S. EPA approval. Because the establishment of a discharger-specific WQS Variance in such a permit or other order is not the establishment or revision of a rule, the permit action need not be accompanied by a rulemaking action. The applicable hearing requirement for any other WQS Variance would be subject to the hearing requirement and other procedures applicable to revising a water quality control plan, which are consistent with the federal rule's public participation requirements.