

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 94-9

AUTHORIZATION TO NEGOTIATE AND EXECUTE CONTRACTS  
OR INTERAGENCY AGREEMENTS FOR THE  
SANTA MONICA BAY RESTORATION PROJECT

WHEREAS:

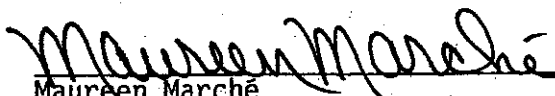
1. Santa Monica Bay was included in the National Estuary Program in 1989 which charges the Santa Monica Bay Restoration Project (SMBRP) Management Conference to develop a Comprehensive Conservation and Management Plan. The SMBRP is in the final year of the planning phase.
2. The Governor's Fiscal Year (FY) 1993-94 authorized budget authority of \$426,454 in Tobacco Tax Funds and \$1,300,000 in federal Funds (Section 320 of the Clean Water Act) to complete the Comprehensive Conservation and Management Plan.
3. The FY 1993-94 workplan approved by the U.S. Environmental Protection Agency and the State Water Board contains several work elements which will require contractual assistance.
4. State Water Board authorization is needed for the Executive Director to negotiate, execute, and amend, as necessary, the following contracts or interagency agreements:
  - a. Completion of the Comprehensive Monitoring Program for Santa Monica Bay (contract amount will not exceed \$450,000).
  - b. Completion of the Public Involvement and Education Program (contract amount will not exceed \$250,000).

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director, or his designee, to negotiate, execute, and amend, as necessary, contracts or interagency agreements committed to in the fifth-year workplan.

CERTIFICATION

The undersigned, Administrative Assistant 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 January 19, 1994.

  
Maureen Marché  
Administrative Assistant to the Board

JAN 10 1994

*Title 23, California Code of Regulations  
Division 4, Chapter 14, Articles 1, 4, 5, 7, 8, and 10*

**Article 1. General Provisions**

Section 3671. Definitions

The following definitions shall apply to this chapter:

...

(i) "Contract operator" means any person or entity who enters a promissory agreement to operate a wastewater treatment plant.

(j) "Direct supervision" means the oversight and inspection of the work performance of an operator-in-training by the ~~supervising operator~~ supervisor, without an intervening person, to ensure the safe and proper execution of the duties of the operator-in-training.

- (k) "Division means"...
- (l) "Extended aeration treatment" means ...
- (m) "Maintenance" means ...
- (n) "Office of Operator Certification" means ...
- (o) "Operates" means ...
- (p) "Operator" means ...
- (q) "Operator-in-training" means ...
- (r) "Pond treatment" means ...
- (s) "Preliminary treatment" means ...
- (t) "Primary treatment" means ...
- (u) "Secondary treatment" means ...
- (v) "Shift supervisor" means ...
- (w) "Supervisor" means ...
- (x) "Tertiary treatment" means ...
- (y) "Wastewater treatment plant" means ...

...

Authority: Section 1058, Water Code

Reference: Chapter 9 (commencing with section 13625) Division 7, Water Code

#### **Article 4. Minimum Qualifications**

##### **3683. Education and Experience Requirements**

...

(b) Persons may apply to take an operator certification examination if: 1) they have completed the education necessary for the certificate prior to the final filing date for the examination, in accordance with the provisions of Subsection (c) of this section, provided:

2) there is sufficient time to gain the experience necessary to qualify for the certificate for which they are applying within four years of June 30 or December 31 (whichever is sooner) following an examination for Grades II, III, IV, and V and within two years of June 30 or December 31 (whichever is sooner) following an examination for Grade I.

...

Authority: Section 1058, Water Code  
Reference: Section 13627, Water Code

#### **Article 5. Examination and Certification of Wastewater Treatment Plant Operators**

##### **3700. Application for Examination**

(a) Content - An application for examination shall contain but not be limited to the following information:

...

(5) copies of college transcripts, grade cards, or certificates of completion for courses related to wastewater treatment to verify completion of

education requirements;

....

(e) Deficient applications - ~~Application information which is deficient and which has not been corrected and returned to the division within 15 calendar days of the date of the notice of deficiency will not be processed; the applicant will~~ Applications which do not contain proof of completion of education requirements and the correct application fee shall be considered deficient applications. Deficient applications shall not be processed for the current examination. The applicant may be required to reapply to take a subsequent examination.

....

Authority: Section 1058 and 13628, Water Code  
Reference: Sections 13627, 13628, and 13629, Water Code and Section 15376, Government Code

### 3702. Application for Certification

(a) If an applicant is qualified for certification at the time of the examination, and has documented such qualification in the application for examination, no application for certification is required. However, if an applicant must gain experience after the final filing date for the examination before being eligible for certification, an application for certification is required in accordance with the provisions of this section.

....

Authority: Sections 1058 and 13628, Water Code  
Reference: Sections 13628, Water Code and Section 15376, Government Code

### 3702.1 Issuance of Certificates

(a) Operator certificates issued by the division shall contain, but not be limited to

the following:

- (1) The operator's name and grade;
- (2) The certificate number; and
- (3) The issue date of the certificate;
- (4) The ~~state board~~ State Water Board seal;
- (5) The name, "State Water Resources Control Board"; and
- (6) The signature of a board member or board member designee.

...

(c) The issue date of a certificate shall be the date of receipt of an application and appropriate fees which meets the requirements of these regulations.

~~(e)~~(d) The division may refuse to issue a certificate if it has determined that the applicant has committed any act which is grounds for disciplinary action as specified in Section 3710.

Authority: Sections 1058 and 13628, Water Code

Reference: Sections 13628, Water Code and Section 15376, Government Code

## **Article 7. Prohibited Acts, Disciplinary Action, and Appeal Process**

### 3710. Grounds for Discipline

(a) A certified operator or operator-in-training may be subject to administrative sanctions including reprimand or denial, suspension, probation, or revocation of a certificate pursuant to Section 13627 of the Water Code for performing, or allowing or causing another, to perform any of the following acts:

(a) (1) willfully or negligently violating, causing, or allowing the violation of

these regulations;

- (b) reserved (2) without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at the grade necessary for the position or whose certificate has expired;
- (d) (3) submitting false or misleading information on any document provided to the division including applications for examination, certification, or renewal;
- (e) (4) engaging in dishonest conduct during an examination, or violating confidentiality of examination questions;
- (f) (5) using fraud or deception in the course of employment as an operator;
- (g) (6) failing to use care or good judgment in the course of employment as an operator or failing to apply knowledge or ability in the performance of duties;
- (h) (7) willfully or negligently causing or violating or allowing the violation of appropriate waste discharge requirements as prescribed by Article 4 of Chapter 4 of Division 7 of the Water Code, or the violation of Section 402 of the Clean Water Act which contains the provisions of the National Pollutant Discharge Elimination System permit.

(b) A chief plant operator may be subject to disciplinary actions specified in subsection (a) for willfully or negligently failing to ensure that an operator-in-training is directly supervised as required by section 3707.

Authority: Sections 1058 and 13627, Water Code  
 Reference: Sections 13627 and 13628, Water Code

**Article 8. Fees**

**3717. Operator and Operator-in-Training Fees**

~~Following are fees for operator and operator-in-training applicants:~~

(a) ~~Application fees are:~~

Grade I:	\$25
Grade II:	30
Grade III:	40
Grade IV:	45
Grade V:	45

(a) Application fee for certification as an operator-in-training:

<u>Grade I:</u>	<u>\$50</u>
<u>Grade II:</u>	<u>70</u>
<u>Grade III:</u>	<u>90</u>
<u>Grade IV:</u>	<u>100</u>
<u>Grade V:</u>	<u>100</u>

(b) ~~Examination fees are~~ Application fee for an examination:

Grade I:	\$25
Grade II:	30
Grade III:	40
Grade IV:	45
Grade V:	45

Except as provided by Section 3716, application fees are nonrefundable.

(b) (c) Examination fees are:

Grade I:	\$ 25
Grade II:	30
Grade III:	75
Grade IV:	100
Grade V:	100

(e) (d) Operator Certification fees are:

Grade I:	\$ 50
Grade II:	70
Grade III:	90
Grade IV:	100
Grade V:	100

(e) (e) Operator and operator-in-training certification Renewal fees are:

Grade I:	\$ 50
Grade II:	70
Grade III:	90
Grade IV:	100
Grade V:	100

(e) (f) Reinstatement fee - The reinstatement fee for all grades is \$50.

(e) (g) Replacement fee - The fee for replacing a lost, stolen, or destroyed certificate is \$20.

(e) (h) Reciprocal fee - In addition to the application and certification fees, applicants for reciprocal certification shall pay a fee of \$50 to cover the cost of verifying and evaluating out-of-state experience and reviewing out-of-state examinations.

Authority: Sections 1058 and 13628, Water Code

Reference: Section 13627, Water Code

## **Article 10. Wastewater Treatment Plant Contract Operators**

### **3719. Registration Requirement**

No person or entity shall enter a contract to operate a wastewater treatment plant unless that person or entity has been registered by the division as a contract operator. The registration authorizes the contract operator to operate one or more wastewater treatment plants. All wastewater treatment plant operators employed by the contract



operator must be certified according to the provisions of this chapter.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

3719.10. Term of Registration

Contract operator registrations shall be valid for a period of one year from the date of issue.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

3719.11. Application for Registration

(a) Application Content - An application for registration as a contract operator shall include but not be limited to:

- (1) the name, street address, and telephone number of the person or entity contracting to operate the wastewater treatment plant(s);
- (2) the name, address, and telephone number, if known, of the wastewater treatment plant(s) to be operated and the duration of each contract;
- (3) the name and grade of each wastewater treatment plant operator employed at the plant(s);
- (4) the name and grade of the chief plant operator for each wastewater treatment plant to be operated;

(5) the original signature of the person authorized by the contract operator to enter the contract;

(6) the registration fee as prescribed by section 3719.19

(b) Application Submittal - For persons operating wastewater treatment plants on or before the effective date of these regulations, applications for registration shall be postmarked within 60 calendar days after the effective date of the regulations. If a contract to operate a wastewater treatment plant is entered into after the effective date of these regulations and the contract operator is not already registered, the application for registration shall be submitted and the registration issued before contract operations begin.

(c) Division Review of Application and Notice to Applicant - The division shall review applications for registration and shall notify applicants in writing within 30 calendar days of receipt whether the application is deficient. If there is a deficiency, the division shall inform the applicant by telephone or letter of the specific information required to complete the application.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

#### 3719.12. Issuance/Content of Certificate of Registration

(a) Content of Certificate of Registration - The certificate of registration issued by the division shall be in the form of a wall certificate and shall contain, but not be limited to:

(1) the applicant's name, business address, and registration number;

(2) the issue and expiration date of the registration;

(3) the State Water Board seal.

(4) the signature of a State Water Board member or member designee.

(b) Issuance of Certificate of Registration - Unless otherwise specified in subsection (c), within 30 calendar days of receipt of a complete and approved application for registration, the division shall issue a contract operator certificate of registration. The division shall also issue one wall certificate to the contract operator for each wastewater treatment plant operated. The certificate shall include the name of the wastewater treatment plant to be operated in addition to the items in subsection (a)(1) through (4) above. Certificates are not transferrable.

(c) Refusal to Issue a Certificate of Registration - The division may refuse to issue a certificate of registration if it has determined that the applicant has committed any act which is grounds for disciplinary action as specified in section 3710 of Article 7 or section 3719.17 of this article.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

### 3719.13. Renewal of Registration

(a) Division Notice of Renewal Date - At least 60 calendar days prior to the expiration of a contract operator registration, the division shall provide written notification of the expiration date to the registration holder at his or her address of record. Failure to receive a notice of renewal does not relieve the registration holder from the responsibility of renewing a registration on or before the expiration date.

(b) Content of Renewal Application - An application for renewal of a contract operator registration shall include, but not be limited to:

- (1) the name, business address, telephone number, and registration number of the person or entity contracting to operate the wastewater treatment plant(s);
- (2) the name, address, and telephone number of all wastewater treatment plants operated and the duration of each contract;
- (3) the name and grade of each wastewater treatment plant operator employed at the plant(s);
- (4) the name and grade of the chief plant operator for each wastewater treatment plant to be operated;
- (5) the original signature of the person authorized by the contract operator to enter the contract;
- (6) the renewal fee as prescribed by section 3719.19.

(c) Renewal Application Submittal - A registrant who wishes to renew a registration shall submit to the division a completed application as specified in subsection (b). The application for renewal shall be postmarked no later than 30 calendar days before the expiration of the registration. If the application for renewal is postmarked later than 30 calendar days before expiration, the registrant shall pay a late fee in an amount prescribed by section 3719.19.

(d) Division Review of Renewal Application and Notice to Applicant - The division shall review the renewal application and shall notify the registrant within 30 calendar days whether the application is deficient. If there is a deficiency, the division shall inform the registrant by telephone or letter of the specific information necessary to complete the application for renewal.

Authority: Water Code Section 1058  
Reference: Water Code Section 13627.2

3719.14. Issuance/Content of Renewed Certificate of Registration

(a) Content of Renewed Certificate of Registration - A renewed contract operator registration shall be in the form of a wall certificate and shall contain, but not be limited to:

- (1) the registrant's name, business address, and registration number;
- (2) the original issue date and next expiration date of the registration;
- (3) the State Water Board seal;
- (4) the signature of a State Water Board member or member designee.

(b) Issuance of Renewed Certificate of Registration - Within 30 calendar days of the receipt of a complete and approved renewal application, the division shall issue a certificate of registration or inform the applicant of the reason the certificate will not be issued. The division shall also issue one wall certificate to the contract operator for each wastewater treatment plant operated. The certificate shall include the name of the wastewater treatment plant operated in addition to the items in subsection (a)(1) through (4) above.

(c) Refusal to Renew Registration - The registration shall not be renewed until any unpaid fees or fines have been paid. The division may refuse to renew a registration if it has determined that the applicant has operated a wastewater treatment plant while the registration was expired or has committed any act which is grounds for disciplinary action pursuant to section 3710 of Article 7 or section 3719.17 of this

article.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

3719.15. Replacement of Certificate of Registration

A certificate of registration which has been lost, stolen, or destroyed may be replaced by the division. The replacement fee as prescribed by section 3719.19 must be submitted with a request for replacement.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

3719.16. Posting the Certificate of Registration

A valid, unexpired certificate of registration shall be displayed and clearly visible at each wastewater treatment plant where the registrant is contracted to provide services.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

3719.17. Prohibited Acts and Disciplinary Action

Grounds for Discipline - The State Water Board may refuse to grant, or may suspend or revoke, any registration for good cause, including, but not limited to any of the following reasons:

- (a) willfully or negligently violating, causing, or allowing the violation of Articles 1 through 10 of Chapter 14;

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- (b) without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at the grade necessary for the position or whose certificate has expired;
- (c) operating a wastewater treatment plant without a valid and current registration;
- (d) submitting false or misleading information on any document provided to the division including applications for registration or registration renewal;
- (e) using fraud or deception in the course of contracting to operate a wastewater treatment plant including, but not limited to, submitting false or misleading documents to the owner(s) of the wastewater treatment plant under contract;
- (f) failing to use care or good judgment while operating a wastewater treatment plant;
- (g) willfully or negligently causing or violating or allowing the violation of appropriate waste discharge requirements as prescribed by Article 4 of Chapter 4 of Division 7 of the Water Code, or the violation of Section 402 of the Clean Water Act which contains the provisions of the National Pollutant Discharge Elimination System permit.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

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3719.18. Appeals

Applicants or registrants may appeal discretionary decisions made by the division regarding denial of an application for registration, registration renewal, or disciplinary action taken.

Appeals shall be processed in accordance with the provisions of sections 3712 through 3716 of Article 7.

Authority: Water Code Section 1058

Reference: Water Code Section 13627.2

3719.19. Wastewater Treatment Plant Contract Operator Registration Fees

Contract operator fees are as follows:

(a) Initial Registration Fee - The initial contract operator registration fee is \$100. For each operator employed by the contract operator in California, a fee of \$25 shall also be paid by the contract operator up to a maximum of \$500 in combined contract operator registration fees and employee registration fees.

(b) Renewal Fee - The annual renewal fee is \$100 plus \$25 for each person employed by the contract operator in California up to a maximum of \$500 in combined contract operator fees and employee registration fees.

(c) Late fee - Each contract operator who fails to have a renewal application postmarked at least 30 days before expiration shall pay a late fee of \$50 in addition to the renewal fee.

(d) Replacement Fee - The fee for replacing lost, stolen, or destroyed certificates is \$30.

Authority: Water Code Section 1058 and 13627.2

Reference: Water Code Section 13627.2



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**RESPONSE TO COMMENTS ON PROPOSED AMENDMENTS TO  
WASTEWATER TREATMENT PLANT OPERATOR REGULATIONS**

<u>Letter #</u>	<u>Commenter</u>
1	John Walter
2	Raymond Smith
3	Ronald Sheets
4	J. DeBouver
5	Gary Phillips
6	Judy Lynn Korn
7	N.P. Giaquinto

Each comment is followed by the State Water Board staff response (in italics).

**Letter # 1**

**Direct Supervision**

1. The intent of the regulations makes hiring operators-in-training (OIT) more difficult.

*The commenter does not specify in what way he believes the amendments have made hiring OITs more difficult.*

2. The definition of "direct supervision" of OITs requires close supervision which will stifle initiative of OITs. [Article 1, Section 3761(j)]

*The regulations have always called for direct supervision of OITs. The definition only provides a common-sense explanation of the term.*

3. The regulations regarding OITs should be changed only if problems have occurred and can be cited.

*The amendments were made in response to operators who commented that direct supervision was not defined.*

**Letter # 2**

**Direct Supervision**

1. The definition of "direct supervision" requires the constant supervision of an OIT at all times which will waste the supervisor's time and cost the

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ratepayers more money. [Article 1, Section 3761(j)]

*The definition of "direct supervision" neither implies nor states that the term means constant supervision.*

2. OITs should be allowed to operate small treatment plants in remote locations without direct supervision. [Article 1, Section 3761(j)]

*The commenter is confusing direct supervision with constant supervision. OITs are allowed, on occasion, to operate small treatment plants in remote locations without constant supervision. However, they are always supervised by a certified supervisor who frequently inspects the plants and provides guidance and training.*

#### Completion dates for training

3. This is a poor time to tighten completion dates for training since there have been too many applications for timely processing to take the water treatment operator examination. [Article 4, Section 3683(b)]

*The commenter's reference to (the Department of Health Services) water treatment program does not apply to these regulations.*

#### Letter # 3

##### Direct Supervision

1. Change the term, "supervising operator" to "certified operator". Delete "without an "intervening person".

*The definition of "supervising operator" is changed to "supervisor," which is defined as a certified operator. The term "without an intervening person" is retained as it is necessary to the definition.*

2. Existing language will require the Chief Plant Operator (CPO) to directly supervise all OITs. [Article 1, Section 3671(j)]

*Existing regulations require the CPO to sign applications for OIT certification; however, there is not requirement for the CPO to be the direct supervisor. The proposed definition allows any supervisor, who may or may not be a CPO, to supervise an OIT.*

##### Deficient Applications

3. If an application is found to be deficient, the regulations state the applicant "may" be required to reapply to take a subsequent examination. Change "may" to "will" and eliminate the ambiguity. [Article 5, Section

3700(e)]

*The term, "may" is used because the applicant may not be interested in reapplying; therefore, the regulatory language should not require him to reapply.*

#### Issue Date of a Certificate

4. This section states "The issue date of a certificate shall be the date of receipt of an application . . ." Is this the application for certification or examination? Recommend the issue date be the date of receipt of certification application and fees. [Article 5, Section 3702.1(c)]

*This comment is accepted and subsection (c) is amended. The issue date of certificates is proposed to be the date upon which the certificate application and fees are received by the State Water Board.*

#### Refusal to Renew Certificate

5. Refusal to renew for unpaid fines is inappropriate. Collection of fines, if not voluntary, is best left to courts. [Article 10, Section 3719.14(c)]

*Courts are not the appropriate means to collect administrative fines. Fines reflect disciplinary actions against operators; therefore, refusal to renew certificates is appropriate.*

#### Letter #4

#### Contract Operators

1. The regulations should use specific due dates instead of "postmarking 30 days before expiration". [Article 10, Section 3719.19(c)]

*Certificates are issued for one year on no predetermined date. Therefore, specific due dates are inappropriate since renewal is based on certificate issuance.*

2. With a contract operator registration it is redundant to have an operator registration.

*Certificates are issued to an entity which may or may not be a person who holds an operator certificate.*

3. Are contract operators also regulated by the Business and Professions Code, thus requiring a performance bond?

*Contract operators are not regulated by the Business and Professions*

Code.

4. How many years and what certification is required to be a contract operator?

*A contract operator must employ certified operators of appropriate grade to operate treatment plants. The holder of the contract operator certificate is not required to meet experience and education requirements.*

5. Are contract operators required for small community treatment plants?

*All wastewater treatment plants subject to the regulations must be operated by certified operators. Such operators may be employed by the agency owning the treatment plant or by a contractor. There is no exception or exemption for small community treatment plants.*

#### Letter # 5

#### Contract Operators

1. Except for the CPO, there is no need to provide a listing of names of operators at contract-operated plants. Furthermore, such information is confidential. [Article 10, Section 3719.11(a)(3)]

*This information is necessary to ensure that operators employed by contract operators have been certified. This information is not confidential.*

2. Delete the \$25 per-operator charge as unnecessary paperwork for the contractor. [Article 10, Sections 3719.11(a)(b)]

*There is no basis given for this comment.*

3. Delete or treat as confidential the contract expiration dates. Competitors should not have access to contract locations, numbers of staff and expiration dates. [Article 10, Section 3719.11(a)(2)]

*Contracts with public agencies are not confidential.*

4. How do the regulations address the situation when only part of the treatment plant operations staff is contract staff? (Article 10, Section 3719)

*Unless the contract operator is made responsible for the overall operation of the wastewater treatment plant, no contract operator*

*registration is required.*

5. How do the regulations address the situation of short-term contracts (e.g. 3-12 months)? (Article 10, Section 3719)

*If the services provided by contract meet the definition in regulations, a contract operator registration is required. There are no exceptions or exemptions for short-term contracts.*

6. Contract operators should provide some form of financial responsibility: bonding, or insurance. (Article 10, Section 3719)

*Minimum levels of competence are established in regulations. Financial responsibility is beyond the scope of the registration program.*

#### Letter # 6

##### OITs

1. Where do the regulations allow more than one grade of OIT? [Article 8, Section 3717(a)]

*Section 3707*

##### Fees

2. Where do the regulations support fees for exam application, exam, certification and renewal? [Article 10, Section 3717(a)]

*Section 13628 of the Water Code requires the State Water Board to establish a fee schedule to cover the cost of the certification program.*

#### Letter #7

##### Contract Operator Fees

1. Instead of basing renewal fees on \$25 per operator employed, the fee should be based on one half of the renewal fee for each operator employed. [Article 10, Section 3719.19(a) and (b)]
2. The maximum renewal fee should be increased from \$500 to at least \$2000.

*The fee schedule was established to cover the costs of the program. The fees proposed by the commenter may generate more revenue than necessary to run the program.*

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STAFF REPORT  
BY THE DIVISION OF WATER QUALITY  
STATE WATER RESOURCES CONTROL BOARD

SANTA MONICA BAY RESTORATION PROJECT:  
PROPOSED AUTHORIZATION TO NEGOTIATE AND EXECUTE CONTRACTS AND  
INTERAGENCY AGREEMENTS

INTRODUCTION

In December 1987, the Clean Water Act was amended through the Congressional appropriations process to include Santa Monica Bay among the list of bays to receive priority consideration by USEPA. In July 1988, following the nomination of Santa Monica Bay by the Governor of California, a Management Conference was convened for the Santa Monica Bay Restoration project (SMBRP). The State Water Board accepted grant funds from the USEPA for FY 1993-94 in July 1993. This staff report briefly describes the two contracts (one for monitoring program design and one for public outreach) that need State Water Board authorization.

BACKGROUND

Santa Monica Bay (Bay) is one of the most heavily utilized areas in California. Approximately eight million people live near the Bay and use it for swimming, boating, sport fishing, and other forms of recreation. Many marine species, including at least five federally listed endangered species, may be impacted by current activities in the Bay. The Bay is used as an industrial water supply and, to a lesser extent, for shipping. The Bay receives nearly 800 million gallons per day (MGD) of treated sewage effluent, approximately 6 MGD of treated industrial waste, and 6000 MGD of power generation cooling water discharge. The Bay also receives pollutants from dozens of storm drains. Even though many of the biggest dischargers have improved the quality of their effluent, significant problems remain from past discharge practices (e.g., bacterial and chemical contamination from storm drain discharge). These problems have had an actual or perceived impact on the Bay's marine ecosystem and the human use of those resources.

The USEPA awarded \$905,000 to the State of California in July of 1993 for the purpose of implementing the fifth-year workplan of the Santa Monica Bay Restoration Project with authority to carry over unspent FY 1992-93 funds into 1994. Each award is based on 75 percent federal and 25 percent State funds.

CONTRACT AUTHORIZATIONS

Two contracts are expected to require authorization by the State Water Board:

I. Completion and Testing of the Comprehensive Monitoring Program

Over the past several years, many agencies and people in the monitoring community have been involved in efforts that laid the foundation for a comprehensive regional monitoring framework. This framework represents the most current understanding of what might be contained in a

coordinated regional monitoring program. It organizes this information so that proposed monitoring elements can be evaluated in the context of the whole program, and modifications to the program can be made in a way that preserves and enhances regional coordination.

The scientific and management objectives must be considered as part of the network of existing goals and objectives embodied in the Comprehensive Conservation and Management Plan (CCMP) for Santa Monica Bay, the California Ocean Plan, relevant Basin Plans, individual compliance permits, and agency missions. This diversity of distinct agency missions and objectives has contributed to the fragmented nature of the existing monitoring system. The regional monitoring program will thus increase the usefulness and cost effectiveness of monitoring only if the fundamental changes in regulatory and management approaches envisioned in the Action Plan of the CCMP are actually implemented.

A consensus about how marine environmental monitoring should support management actions has emerged over the last years: A coordinated and cost-effective program needs to respond to clear management and scientific objectives that reflect CCMP goals, regulations, and public concerns, measure the natural background and its changes over time, link pollutant loadings and human activities (such as habitat modification, harvesting, etc.) to impacts, measure region-wide changes in important resources, and identify long-term trends.

A similar consensus has emerged about how a regional program should be designed to meet these needs. It should reflect a focus on key resources and assessment issues, provide information about the status of the Bay (or Bight) as a whole, maximize information sharing among individual monitoring programs, eliminate information gaps about important impacts and resources, minimize overlap in the collection and analysis of data, and standardize methods across individual monitoring programs. However, several steps have yet to be completed before the framework can be translated into a working and implementable strategy. The scope of work outlined below is designed to address these next steps.

#### OBJECTIVES

The next phase in developing a comprehensive monitoring program and assisting in its implementation will focus primarily on the following aspects:

1. Examine in detail, prioritize, and consolidate the list of currently used and potential future measurements and indicators.
2. Develop quantifiable measurement endpoints, wherever possible.
3. Develop, evaluate, and optimize detailed monitoring designs for prioritized monitoring components.
4. Implement information management system.

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**TASK 1: DEVELOP DETAILED INVENTORY OF DATA ELEMENTS COLLECTED THROUGH EXISTING MONITORING EFFORTS**

The monitoring framework contains a general outline of information collected by various dischargers and public health and resource agencies. Agreement about a restructured comprehensive monitoring program can only be achieved if comparisons between the existing fragmented programs and a revised, comprehensive program can demonstrate in very concrete terms the advantages of the latter. The general outline contained in the framework needs to be expanded to include the following:

- o cost information
- o agency objectives
- o how useful the data are in answering public concerns, and
- o what steps have to be taken to incorporate information into a coherent system which allows comprehensive analyses of pollution loading trends, status of important natural resources, and ecosystem health.

This task should focus on those "valued ecosystem components" identified in the monitoring framework, particularly key ecosystem, natural resource, sources and loadings, and public health parameters.

**TASK 2: PRIORITIZE POTENTIAL ENVIRONMENTAL MEASUREMENTS AND INDICATORS LISTED IN COMPREHENSIVE MONITORING FRAMEWORK**

The monitoring framework contains a list of potential data elements for a comprehensive monitoring plan. This list, however, has not yet been examined and prioritized in light of current funding realities or information needs. Criteria for prioritization could include:

- o strengths and weaknesses of links between the four public concerns (Level 1 Objectives) and management actions described in the CCMP
- o how well assessment endpoints can be establish, and
- o costs of monitoring, relative to the known or potential impact of the source of disturbance.

**TASK 3: DEVELOP DETAILED MONITORING DESIGNS AND PROTOCOLS WHICH INCORPORATE QUANTIFIABLE MEASUREMENT ENDPOINTS WHEREVER POSSIBLE FOR PRIORITIZED MONITORING COMPONENTS AND SHOW LINKAGES BETWEEN VARIOUS MONITORING COMPONENTS**

A large degree of consensus has already been reached on needed monitoring components which address the key public concerns of: "Is it safe to swim and to eat the seafood?" "Are natural resources being protected?" and "Is the health of the ecosystem safeguarded?" It is clear that, at a minimum, the following components of a comprehensive program have to be revised or newly developed:

- o human health -- swimming
- o human health -- seafood consumption
- o marine ecosystem health
- o selected natural resources, such as wetlands and special-status species.



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The monitoring framework suggests some assessment endpoints for each of the revised components. These endpoints will have to be incorporated into the designs and protocols.

**TASK 4:**

A critical aspect after developing individual components is to establish the linkages between them, as well as linking the monitoring components for sources and loadings to the "impact" monitoring aspects.

**TASK 5: CONTRIBUTE TO TESTING AND EVALUATION OF THE REVISED BENTHIC AND TRAWLING COMPONENTS**

The revised monitoring components need to be tested and evaluated. As a first step, the existing benthic and trawling programs are currently being re-designed to be tested in summer of 1994 as part of the Southern California Bight Pilot Program initiated under EPA's Environmental Monitoring and Assessment Program. This scope of work limits the testing and evaluation task to the Santa Monica Bay portion of the pilot program.

**TASK 6: IMPLEMENT A COMPREHENSIVE INFORMATION MANAGEMENT SYSTEM AND INCORPORATE REVISED MONITORING PROGRAM COMPONENTS**

During Phase II of the monitoring program development, a database index was developed and data transfer formats were tested for compliance monitoring programs (benthos, fish bioaccumulation, sediment chemistry, water quality). After this initial test phase, as other monitoring components are developed and data collects, the index needs to be expanded (e.g. habitat parameters) and information transfer formats distributed to all agencies and organizations participating in the comprehensive program.

The ultimate goal of the information management system will be to facilitate the transfer and exchange of information in the most cost-effective way. Information files should be in a format that allows the recipient to manipulate them with a variety of software programs on PCs, Macintosh computer, or mainframes.

The total budget for this contract will not exceed \$450,000.

**II. Implementation of Public Involvement and Education Strategy**

As a National Estuary Program, the Santa Monica Bay Restoration Project places great emphasis on educating the public on how to minimize negative impacts on water quality, as well as on stimulating interest in and soliciting public input on the Comprehensive Conservation and Management Plan (CCMP). The objectives of the final phase of this contract are:

1. Educate the public on the mission of the CCMP. While many people are familiar with the SMBRP, there is still some confusion about what the Project is, what its mission is, and what the CCMP is designed to accomplish.

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2. Produce public outreach materials and programs called for in the CCMP. Each of the CCMP chapters have public outreach components in which creation of public-friendly materials is recommended. Areas to be covered include habitat protection, urban runoff control, and health risk communication for swimmers and seafood consumers.
3. Expanded coastal cleanup activities. This task is geared toward expanding coastal cleanup inland to emphasize the importance of the entire watershed and the effects of nonpoint source pollution.
4. Production of a CCMP video. The popularity of the video produced four years ago suggests that this medium is effective in communicating the need for public support for the CCMP and visually conveying the Plan's messages.

The total budget for this contract will not exceed \$250,000.