



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: May 21, 2025

05

TO: Board of Supervisors

SUBJECT

APPROVE AND RATIFY FISCAL YEAR 2024-25 REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM AND RELATED CEQA EXEMPTION (DISTRICTS: 1, 3, & 5)

OVERVIEW

Since 1999, the County of San Diego (County), Department of Environmental Health and Quality (DEHQ) has entered into a State revenue agreement annually with California State Water Resource Control Board (SWRCB) to receive funds to implement the State-mandated dry weather Beach and Bay Water Quality Monitoring Program (Program) throughout the region. Due to the timing of when the revenue agreement is received from the State, ratification is required by Board of Supervisors (Board) Policy B-29. This Program collects samples and tests ocean water, conducts public education and outreach, posts signs advising the public when water does not meet California State health standards, and posts beach water contact closures when beach water is impacted by sewage or chemical spills. Up-to-date beach water quality information is also made available to the public at www.sdbeachinfo.com so that beach users can make informed decisions about where and when to enter the water.

California State law provides requirements for beach water quality testing and public notification when test results indicate an increased risk of illness during water contact. The State law establishes criteria to identify the beach water testing locations and the frequency of monitoring for water quality. The law also sets the process for providing information to the public on beach water quality conditions and issuing water contact closures for sewage impacts. The criteria identify beaches: 1) that are visited by more than 50,000 people per year and 2) that are adjacent to a storm drain that flows during dry weather. In San Diego county, these locations are located north of Coronado. Beaches that meet these criteria must be monitored at least weekly during the dry weather season from April 1 through October 31, the period that they are most visited. Monitoring must be conducted by the local health officer, Director of Environmental Health, or designee during a given fiscal year in which the Legislature has appropriated sufficient funds for local agencies to perform this work during the dry weather months. During the wet weather period from November 1 to March 31, which are not mandated periods for testing, DEHQ continues to monitor the beaches, but reduces sample locations. Monitoring in wet weather months is needed as beaches in our region are used year-round.

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Funding for this Program is made available by SWRCB through its Public Beach Safety Grant Program, which consists of federal and State monies distributed across the State. Since 1999, DEHQ has annually entered into a revenue agreement with the State to receive funds to implement the Program. The total cost of the Program for Fiscal Year 2024-25 is approximately \$865,459, which is funded through multiple funding sources since the State and federal funds received as part of the Public Beach Safety Grant Program do not cover the full cost of the Program.

The revenue agreement will fund \$351,703 made available through the Public Beach Safety Grant Program, which consists of \$186,278 federal funds passing through the State and \$165,425 State funds. In addition to the funding received through the revenue agreement with the SWRCB, DEHQ also receives a fixed amount of ongoing 1991 Health Realignment revenue from the State, which is used to support and cover costs associated with public health, mental health, and social services program responsibilities transferred from the State. DEHQ analyzes these Health Officer programs annually to identify how to allocate 1991 Health Realignment funds to cover the gaps in Health Officer programs in the annual operation plan. In FY 24-25, DEHQ will use \$277,419 of 1991 Health Realignment revenue and \$236,337 General Purpose Revenue. This accounts for expenditures not allowable under the revenue agreement, such as support costs, which are capped under the State revenue agreement. This also covers non-mandated portions of the extended testing the County does, such as monitoring during wet weather months, from November 1 to March 31.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery* is requested in the amount of \$513,756 for Program costs not covered by the revenue agreement and to implement a year-round Program throughout the coastal shoreline. In addition, ratification is requested as required by Board Policy B-29, as delayed receipt of the State revenue agreement prevented DEHQ from bringing this agreement to the Board at least 60 days before the effective date of the agreement, July 1, 2024, and work began before the agreement was in place. The County received a final revenue agreement from the SWRCB on April 2, 2025, for the period of July 1, 2024, through August 15, 2025.

Today's action, if approved by the Board, will waive Board Policy B-29 and adopt a resolution that authorizes the DEHQ Director, or their designee, to execute a revenue agreement with the SWRCB in the amount of \$351,703 for the period of July 1, 2024, through August 15, 2025 to fund the Beach and Bay Water Quality Monitoring Program and authorize DEHQ to receive the funds.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, find that it can be seen with certainty that there is no possibility this activity may have a significant effect on the environment and that it is therefore exempt from CEQA. In addition, in accordance with CEQA Guidelines Section 15378(b)(4) of the CEQA, find that this activity does not involve a commitment to any specific project which may result in a

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potentially significant physical impact on the environment, and it is, on this additional basis, exempt from CEQA.

2. Waive Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery*, which requires full cost recovery for revenue contracts as well as docketing revenue contracts with the Board at least 60 days prior to the effective date of the contract.
3. Adopt a Resolution entitled: RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2024-25.
4. Authorize the Director, Department of Environmental Health and Quality, or their designee, to execute any extensions, amendments, or revisions thereof that do not materially impact or alter either the program or funding level.

EQUITY IMPACT STATEMENT

The Department of Environmental Health and Quality protects and promotes a healthy environment for the residents and visitors of the region by ensuring safe, sustainable communities and preserving and enhancing the natural environment in which people live. The funding received through the revenue agreement with the State Water Resources Control Board for the Beach and Bay Water Quality Monitoring Program will ensure that the public is informed of potential health risks related to water contact when testing indicates that bacteria levels exceed State health standards. Funding from the revenue agreement is provided to equitably monitor ocean water quality in all areas of the county with storm drains that receive discharge that empties to the beach during dry weather and beaches that are visited by more than 50,000 people per year.

SUSTAINABILITY IMPACT STATEMENT

The Beach and Bay Water Quality Monitoring Program contributes to many of the County of San Diego's Sustainability Goals: protect health and wellbeing; engage the community; and protect ecosystems, habitats, and biodiversity. The proposed actions contribute to the Sustainability Goal No. 4 and No. 1 by ensuring that the public is informed of potential health risks related to water contact, which allows residents and visitors to make informed decisions about whether or not to enter the water while enjoying the natural resources found in the 70 miles of coastline with the region. Safe access to beaches promotes exercise and positive physical and mental health. The proposed actions also contribute to the County's Sustainability Goal No. 6 as poor water quality at beaches not only threatens the health of swimmers and beachgoers, but also hurts our ocean-dependent economy, such as tourism and recreation. Additionally, education and outreach efforts lead to strong connections between people and beaches. These benefits impact beach visitors of all ages, abilities, and financial resources.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2024-25 Operational Plan in the Department of Environmental Health and Quality (DEHQ). Current fiscal year Beach and Bay Water Quality Monitoring program costs and revenue are budgeted as \$865,459. If approved, this request will result in securing a revenue agreement of \$351,703 with the State Water Resources Control Board.

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A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery* is requested in the amount of \$513,756 for program costs not covered by the revenue agreement, including County support costs, which are capped under the State revenue agreement, and for wet weather monitoring. The funding source for these unrecovered costs is General Purpose Revenue (\$236,337) and 1991 Health Realignment revenue from the State (\$277,419). Subsequent year costs and revenues will be included in future year Operational Plans for DEHQ. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

Water quality testing needs to be conducted in a timely manner to ensure the protection of public health and to monitor for water quality impacts at public beaches and bays. When bacteria levels in the water at beaches and bays exceed State health standards, business, tourism, and recreational activities in the county can be negatively affected due to a decline in beachgoers recreating and frequenting businesses.

ADVISORY BOARD STATEMENT

On April 16, 2025, the Environmental Health and Quality Advisory Board voted unanimously to support the Beach and Bay Water Quality Monitoring Program's proposed agreement with the California Department of Public Health.

BACKGROUND

Since 1999, the County of San Diego (County), Department of Environmental Health and Quality (DEHQ) has entered into a revenue agreement annually with the State to receive funds to implement the State-mandated dry weather Beach and Bay Water Quality Monitoring Program (Program). This Program collects samples and tests ocean water, conducts public education and outreach, posts signs warning the public when water does not meet State health standards, and posts beach water contact closures that are impacted by sewage or chemical spills. Up-to-date beach water quality information is also made available to the public at www.sdbeachinfo.com so that beach users can make informed decisions as to where and when to enter the water.

State law (Health and Safety Code Chapter 765, Sections 115875 - 115915) provides requirements for beach water quality testing and public notification when test results indicate an increased risk of illness during water contact. The law establishes criteria to identify the beach water testing locations and frequency of monitoring for water quality, and the process for providing information to the public on beach water quality conditions and issuing water contact closures for sewage impacts. The criteria are beaches: 1) that are visited by more than 50,000 people per year and 2) that are adjacent to a storm drain that flows during dry weather. Beaches that meet these criteria are mandated to be monitored at least weekly from April 1 through October 31 by the local health officer, Director of Environmental Health, or designee. Beginning in 1999, State regulations implementing AB 411 required local officials to post warning signs at beaches when bacteria levels exceed State health standards. Funding is made available by the State Water Resources Control Board (SWRCB) through its Public Beach Safety Grant Program, which consists of federal and State monies distributed across the State. Since 1999, DEHQ has annually entered into a revenue agreement with the State to receive funds to implement the Program.

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This Program protects the health of millions of residents and visitors each year who recreate at beaches throughout the region. The Program consists of three primary categories of activities: 1. Sampling, testing, monitoring, and data analysis; 2. Risk analysis/mitigation; and 3. Public Outreach. The Program consists of approximately 6,800 ocean water samples at up to 101 beach locations per year, public education, and outreach. Additionally, the Program posts beach advisories that inform the public to avoid water contact when water quality monitoring results do not meet State health standards and, when necessary, issues beach water closures when sewage or other contamination may impact water recreation.

Sampling, Testing, Monitoring & Data Analysis

The Program has two sampling periods: “dry weather” and “wet weather,” with different levels of testing and monitoring to protect public health. The “dry weather” sampling period is from April 1- October 31 when the weather is warmer and there is an increase in public use of beaches and bays. During these months, DEHQ samples 45 locations per week. The “wet weather” sampling period is from November 1- March 31. During these months, DEHQ reduces monitoring to 37 locations, but maintains weekly sampling near river or lagoon outlets and at beaches with higher public use during the “wet weather” period. Water monitoring test results are received within 8 hours of sampling. This program of sampling, testing, data analysis, and public information is conducted throughout the year by DEHQ with the goal of protecting and informing the public when it is safe to enter the water.

DEHQ also incorporates year-round beach monitoring data provided by municipal wastewater and stormwater agencies into the Program by reviewing sample results against State standards and providing public notification when needed. These partner agencies sample weekly, on average, an additional 66 beach locations. Sample location sites can change year to year depending on issues such as frequency of beach use, changed environmental conditions, and local stormwater/water agencies requesting more monitoring for a particular location. In total, there are approximately 101 locations monitored during the “dry weather” months and 91 locations monitored during the “wet weather” months throughout the region’s shoreline.

Risk Analysis/Mitigation

In addition to State-mandated testing sites, DEHQ takes a risk-based approach in evaluating additional beaches to monitor each year. Consideration is given to beaches near known sources of pollution, such as storm drains, creeks, lagoons, and river outlets, and areas of high public use that are frequented by children or have a history of contamination. DEHQ posts advisory signs when the bacteria levels exceed health standards established in State law and continues to take additional samples until water quality test results show health standards are met. California regulations contain seven recreational water standards and use indicator organisms, such as total coliforms, fecal coliforms, *E. coli*, and enterococci, that when present in water at certain levels can increase the risk of gastrointestinal illness.

In the event of sewage spills that reach recreational waters adjacent to public beaches and pose a potential risk to public health, State law requires DEHQ take action to protect public health by

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posting water contact closure signs, communicating water contact closure information to the public, and taking samples until water quality test results show State health standards are met. As an example, cross-border sewage releases impacted the Tijuana River shoreline area, resulting in the Tijuana Slough Shoreline being closed to water contact for a total of 1,224 days, from December 8, 2021, to April 15, 2025.

The South County Enhanced Beach Water Monitoring Program (South County Enhanced Program) is a Board of Supervisors directed program that was created in 2017 and funded by General Purpose Revenue. The shoreline and beaches in the southern parts of the region have been disproportionally impacted with poor water quality and beach water closures as a result of cross-border sewage and pollution. The South County Enhanced Program was established to assess potential cross-border sewage impacts to south county beaches because of increased reports of sewage odors and the frequency of sewage spills entering the United States (U.S.) from Mexico. The South County Enhanced Program increased the number of sampling locations and frequency of sampling, and increased communication and coordination with U.S. and Mexico partners, agencies, stakeholders, and nonprofit organizations. The South County Enhanced Program includes sampling at beaches that do not meet the criteria for State funding. It is anticipated that funding to achieve a daily monitoring frequency will continue to be included in future Operational Plans as efforts to improve conditions impacting the South County communities are implemented. The data from the increased sampling from the South County Enhanced Program ensures the public has the information they need to make informed personal health decisions.

Public Outreach

Public notification of beach and bay water quality includes a telephone hotline, dedicated website (sdbeachinfo.com), the use of social media, email, and press releases when needed. The website provides the public with current beach water quality information that is reliable and understandable. Additionally, the website features an online translation tool that allows visitors to access the information in multiple languages beyond our threshold languages.

DEHQ also conducts public outreach to both residents and visitors of San Diego region through its “Check In Before You Get In” education campaign, a multifaceted media effort that includes the production and distribution of informational brochures, business cards and beach signage that encourages beachgoers to check the water quality at local beaches and bays. Informational brochures translated into the nine threshold languages (Arabic, Chinese, English, Filipino, Korean, Persian, Somali, Spanish, and Vietnamese) are available on the website and are also distributed with business cards to businesses in coastal areas, including hotels, visitor centers, rental shops and other establishments frequented by ocean users to educate the public. Beach signage, which points visitors to the website for more information and educational resources, is placed at beaches that are routinely monitored under this Program. DEHQ also shares information and works with County of San Diego (County) and municipal stormwater programs to identify sources of beach water quality contamination to reduce the sources of pollution in urban runoff within their jurisdiction.

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Agreement with the State Water Resources Control Board

State law mandates that the local health officer monitor beaches during the “dry weather” season from April 1 through October 31 if the State Legislature has appropriated funds for that fiscal year. The State Legislature appropriated funds for FY 2024-25, and beach water monitoring was necessary beginning July 1, 2024, even though the SWRCB did not complete the revenue agreement process to make funds available for FY 2024-25 until after the start of the revenue agreement year. The final revenue agreement documents from the State were received by DEHQ on April 2, 2025. Funds from this revenue agreement will support work completed since July 1, 2024, prior to execution of the agreement.

As was the case in previous years, the State provided informal assurances to staff that funding in an amount similar to the prior revenue agreement would be offered for work as of July 1, 2024. State revenue from the 1991 Health Realignment was approved for this program in the FY 2024-25 Operational Plan in DEHQ. This enabled DEHQ to cover its costs for implementing the program from July 1, 2024, to the present. The Program was continued in anticipation of State funding based on the mandated State law imposed on the local health officer and on the importance of the program to public health. Should this funding not be provided, DEHQ would need to significantly decrease beach water quality monitoring services to the public, by reducing the locations or frequency of sampling.

The total cost of the Program for Fiscal Year 2024-25 is anticipated to be approximately \$865,459. The revenue agreement with the SWRCB will fund \$351,703, which consists of federal (\$186,278) and State (\$165,425) funding made available through the Public Beach Safety Grant Program. Since this revenue agreement is funded by both federal and State monies, there are two different performance periods for funding reimbursement because the agencies operate under different fiscal year cycles. The performance period for the State-funded portion will reimburse expenses incurred from July 1, 2024, to June 30, 2025, while the federally funded portion will reimburse expenses incurred from October 1, 2024, to August 15, 2025.

A waiver of Board Policy B-29: *Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery* is requested in the amount of \$513,756 for program costs not covered by the revenue agreement, including County support costs, which are capped under the State agreement, and for wet weather monitoring. These costs will be funded with General Purpose Revenue (\$236,337) and State revenue from the 1991 Health Realignment (\$277,419). In addition, ratification is requested as delayed receipt of the State agreement prevented DEHQ from bringing this agreement to the Board at least 60 days before the effective date of the agreement, as required by Board Policy B-29.

Today’s action, if approved by the Board of Supervisors, will waive Board Policy B-29 and adopt a resolution that authorizes the DEHQ Director, or their designee, to execute a revenue agreement with the SWRCB in the amount of \$351,703 for the period of July 1, 2024, through August 15, 2025 to fund the Beach and Bay Water Quality Monitoring Program and authorize DEHQ to receive the funds.

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ENVIRONMENTAL STATEMENT

The proposed activity is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and that it is therefore exempt from CEQA. In addition, in accordance with CEQA Guidelines Section 15378(b)(4), the proposed activity does not involve a commitment to any specific project which may result in a potentially significant physical impact on the environment, and it is, on this additional basis, exempt from CEQA.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed actions support the Sustainability Strategic Initiative in the County of San Diego's 2025-2030 Strategic Plan by helping to cultivate a natural environment for residents, visitors, and future generations to enjoy. This program helps fulfill this initiative by protecting public health through monitoring beach water quality and informing the public of potential health risks related to recreational water activities when testing indicates that bacteria levels exceed State health standards.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Dahvia Lynch', with a stylized flourish extending to the right.

DAHVIA LYNCH
Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A - RESOLUTION AUTHORIZING EXECUTION OF A REVENUE AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE BEACH AND BAY WATER QUALITY MONITORING PROGRAM FOR FISCAL YEAR 2024-25.