

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, MAY 21, 2025**

MINUTE ORDER NO. 5

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.

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 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. 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.

ACTION:

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Lawson-Remer, the Board of Supervisors took action as recommended, on Consent, and adopted Resolution No. 25-032, entitled: 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 2024-2025.

AYES: Anderson, Lawson-Remer, Montgomery Steppe, Desmond

ABSENT: (District 1 Seat Vacant)

State of California)

County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER

Clerk of the Board of Supervisors



Signed

by Andrew Potter