



Alan Lloyd  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Arnold Schwarzenegger  
Governor

### NOTICE OF FILING / NOTICE OF HEARING

**TO:** Any Interested Person

**FROM:** California Regional Water Quality Control Board, Los Angeles Region  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**DATE:** September 20, 2005

**SUBJECT:** Notice of Filing Submitted under section 21080.5 of the Public Resources Code

**PROPONENT:** California Regional Water Quality Control Board, Los Angeles Region

**TITLE:** Amendment to the Water Quality Control Plan for the Los Angeles Region

**CONTACT:** Deborah Neiter, (213) 576-6763  
Environmental Scientist  
TMDLs and Water Quality Standards

**LOCATION:** Los Angeles Region

**DESCRIPTION:** Early Life Stage Provision - Freshwater Ammonia Objectives For Inland Surface Waters

This notice is to advise any interested person that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will hold a public hearing on December 1, 2005. The subject under consideration is an amendment to the Water Quality Control Plan for the Los Angeles Region to revise the Early Life Stage (ELS) provision of the freshwater ammonia objectives for inland surface waters (including enclosed bays, estuaries and wetlands) for protection of aquatic life. The public hearing will begin at 9:00 AM. The location of the public hearing is yet to be determined and will be posted on the Regional Board's website at the following link: <http://www.waterboards.ca.gov/losangeles/html/meetings/meetings.html>.

Copies of the tentative resolution, proposed amendment, staff report, and CEQA checklist are available on the website of the Los Angeles Regional Water Quality Control Board at: [http://www.swrcb.ca.gov/~rwqcb4/html/meetings/tmdl/Basin\\_plan/basin\\_plan\\_amendment\\_tmdl.htm](http://www.swrcb.ca.gov/~rwqcb4/html/meetings/tmdl/Basin_plan/basin_plan_amendment_tmdl.htm). If you would like these documents sent in hard copy, please call Sandra Kelley at (213) 576-6619 or fax your request to her attention at (213) 576-6686.

Actions to amend the Basin Plan will be taken in accordance with a regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) and with other applicable laws and regulations. Additional regulations or policies, consistent with the general purpose of the proposed amendment and complementary to the proposal may

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be developed at the hearing as a logical outgrowth. The Regional Board will take action on the proposed amendment after hearing staff's presentation and public comments.

The Regional Board is soliciting comments on the tentative resolution, proposed amendment and supporting documents. The Regional Board is interested in both comments on the general provisions of the proposed amendment as well as on the specific water bodies to which the "ELS Absent" objective may apply (as shown in Attachment 1). In order to be fully considered by the Regional Board, written comments and exhibits must be submitted to the Regional Board no later than 5:00 PM on November 7, 2005. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (California Code of Regulations, title 23, section 649.4).

Comments should be submitted to:

California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street  
Los Angeles, California 90013

ATTN: Deborah Neiter

All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing. Please contact Deborah Neiter at (213) 576-6763 if you have any questions.

### **Background**

The Regional Board will consider amending its Basin Plan to revise Chapter 3 "Water Quality Objectives" of the Basin Plan and, specifically, the implementation provision included as part of the freshwater ammonia objectives relative to the protection of Early Life Stages (ELS) of fish in inland surface waters. The current Basin Plan contains ammonia objectives to protect ELS of fish in inland surface waters supporting aquatic life. The current ammonia objectives were incorporated into the Basin Plan as part of a Basin Plan amendment adopted by the Regional Board on April 25, 2002. Existing freshwater ammonia objectives are based on U.S. EPA guidance entitled, "1999 Update of Ambient Water Quality Criteria for Ammonia."

This amendment to the freshwater ammonia objectives is submitted as a result of the Regional Board's direction to staff, during the April 25, 2002 board meeting adopting the existing ammonia objectives, to evaluate the adequacy of the SPWN (Spawning, Reproduction, and/or Early Development) beneficial use designation as a proxy for the presence of ELS. Specifically the current amendment revises the implementation provision that states, "waterbodies with a Basin Plan designation of "SPWN" support high quality aquatic habitats suitable for reproduction and early development of fish and, therefore, these waterbodies are designated as Early Life Stage (ELS) present waters."

At the direction of the Regional Board, Regional Board staff convened a Technical Advisory Committee (TAC), made up of experts in the field of fish biology and local fish populations. The purpose of the TAC was to discuss the most appropriate way to implement the ELS provision of the recently adopted

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freshwater ammonia objectives. The Regional Board recognizes that few fish species in the Los Angeles Region reproduce at temperatures less than 15 degrees Celsius. For major water bodies in the region, local experts know where these fish species are or have been present. Where these fish are present, the Regional Board assumes that ELS of these fish are present, unless obvious water body characteristics would preclude their presence in significant numbers. These water body characteristics include the presence of concrete bottoms and sides that would make the channel inhospitable for fish reproduction and early development. Where these fish are absent, the Regional Board concludes it is not necessary to apply the ELS present objectives at low temperatures (<15° C), since no local fish species are reproducing at these temperatures.

For all smaller water bodies, the Regional Board makes the conservative assumption that ELS are present, absent local knowledge to the contrary for these waters. Most of these smaller water bodies are not subject to wastewater discharges and it is for these situations, particularly at low temperatures when it is more difficult to treat ammonia, that the more relaxed ELS absent objective is desired by the regulated community. While the “ELS Present” objective will be applied to these smaller water bodies, it should be noted it is only at temperatures less than 15° C that the “ELS Present” objective is more stringent than the “ELS Absent” objective. These temperature conditions occur only infrequently in the Los Angeles Region.

Where there is a site-specific ammonia objective (SSO) for the water body, the fish species used in the analysis of the “ELS Present” condition for the water bodies affected by the SSO must be revisited, since the temperature threshold at which ELS are more sensitive than invertebrates may differ based on site-specific conditions or the methodology for developing the SSO.

Any change in the implementation provision for the ELS present/absent condition, including the assignment of water bodies, must be approved through the Basin Plan Amendment process. To justify the ELS absent provision, information regarding fish species distributions, spawning periods, nursery periods and the duration of early life stages found in the water body must be presented. Expert opinions from fisheries biologists and other scientists will be considered. Where it can be obtained, a consensus opinion from a diverse body of experts would carry significant weight in determining the presence or absence of the ELS. The determination of the time frame during the year when early life stages are most likely not to be present in numbers that, if chronic toxicity did occur, would affect the long-term success of the fish populations, should include adequate scientific justification. The Regional Board will use the record supporting a Basin Plan amendment as the basis upon which to approve or disapprove changes to these implementation provisions for the 30-day average ammonia objective. The record should clearly explain all the factors and information considered in arriving at the determination. The Regional Board will consider and weigh the breadth and depth of scientific evidence in determining whether to remove the early life stage specification for a water body. With the exception of the water bodies listed in the attached table, early life stages are presumptively present and must be protected at all times of the year unless a subsequent Basin Plan amendment removes the Early Life Stage condition.

A complete list of water bodies subject to the “ELS absent” objective is attached.



Notice of Filing / Notice of Hearing

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September 20, 2005

Melinda Becker  
Chief, Regional Programs Section

Date

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**Water Bodies Subject to 30-day Average Objective Applicable to “ELS Absent” Condition**

<b>Hydro Unit No.</b>	<b>Waterbody</b>
<b>VENTURA RIVER WATERSHED</b>	
402.10	Canada Larga
<b>CALLEGUAS-CONEJO CREEK WATERSHED</b>	
403.11	Calleguas Creek
403.11	Revolon Slough
403.61	Beardsley Wash
403.12	Conejo Creek
403.63	Conejo Creek
403.64	Arroyo Conejo
406.68	Arroyo Conejo
403.12	Arroyo Las Posas
403.62	Arroyo Las Posas
403.62	Arroyo Simi
403.67	Arroyo Simi
<b>MALIBU CREEK WATERSHED</b>	
404.23	Medea Creek
404.24	Medea Creek
404.24	Triunfo Creek
404.25	Triunfo Creek
<b>BALLONA CREEK WATERSHED</b>	
405.13	Ballona Creek to Estuary
405.15	Ballona Creek
<b>DOMINGUEZ CHANNEL WATERSHED</b>	
405.12	Dominguez Channel to Estuary
<b>LOS ANGELES RIVER WATERSHED</b>	
405.12	Los Angeles River to Estuary
405.15	Los Angeles River
405.21	Los Angeles River
405.15	Rio Hondo below Spreading Grounds
405.15	Rio Hondo to Spreading Grounds
405.41	Rio Hondo (except from Whittier Narrows to 4 miles north)
405.32	Arroyo Seco
405.21	Tujunga Wash
405.15	Compton Creek
405.15	Arroyo Seco S. Of Devil's Gates (L)
405.31	Arroyo Seco S. Of Devil's Gates (U)

Hydro Unit No.	Waterbody
405.21	Burbank Western Channel
405.21	Pacoima Wash
<b>SAN GABRIEL RIVER WATERSHED</b>	
405.15	San Gabriel River: Firestone Blvd-Estuary
405.15	San Gabriel River: Whittier N-Firestone (2)
405.41	San Gabriel River
405.42	San Gabriel River
405.15	Coyote Creek to Estuary
405.41	San Jose Creek
405.51	San Jose Creek

Notes:

- 1) All wetlands/estuaries and lagoons are assumed to have ELS.
- 2) Whittier Narrows flood control basin is listed separately in the Basin Plan
- 3) Based on published literature and expert opinion, fish species known to reproduce in significant numbers below 15 degrees Celsius are absent in these water bodies, or the water bodies are known to have physical conditions that preclude reproduction and early development of these species in significant numbers. These species include: Steelhead/Rainbow trout, Three-spine stickleback, Brown trout, Prickly sculpin, Staghorn sculpin, Striped mullet, Starry flounder, Arrow goby, and Pacific lamprey.