



Heal the Bay

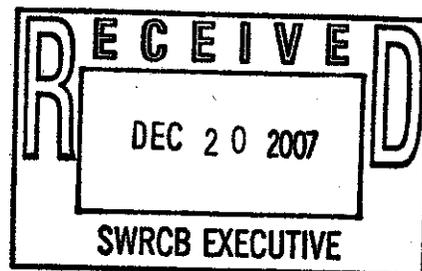
1444 9th Street
Santa Monica CA 90401

ph 310 451 1550
fax 310 496 1902

info@healthebay.org
www.healthebay.org

December 19, 2007

Chairwoman Doduc and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Re: Comments on the Proposed Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate Site-Specific Objectives for Ammonia in Select Waterbodies

Dear Chairwoman Doduc and Board Members:

On behalf of Heal the Bay, we submit the following comments on the Proposed San Gabriel River, Los Angeles River, and Santa Clara River Watersheds Site-Specific Ammonia Objectives ("SSO"). We appreciate the opportunity to provide comments.

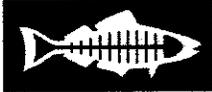
Heal the Bay has significant concerns that the data collected to develop the SSO do not adequately characterize the San Gabriel, Los Angeles, and Santa Clara Rivers. It is therefore improper to generate SSOs using this limited information. Also there are non-conservative assumptions made in developing the SSOs that are not protective of all aquatic species. Many discharges to these waters have had or continue to have toxicity problems that may be due to ammonia concentrations. These toxicity issues should be addressed before less stringent requirements are considered. These concerns and others are outlined below.

There are not enough data to develop appropriate ammonia SSOs for these waterbodies and critical conditions are not identified.

According to the Staff Report, field sampling took place between January 2002 and February 2003. Specifically, one wet weather and three dry weather samples were collected at ten locations throughout the three watersheds during this period. This limited number of samples is insufficient to develop an appropriate SSO. Also the Draft SSO did not identify critical conditions.

A one-year collection period with so few samples will not capture variability in these very large systems. Existing data show that there is considerable variability in these waterbodies. For instance, Table 8 in the September 2003 Final Results Report shows hardness values ranging from 132-432 mg/l and TDS values ranging from 471-907 mg/l at the Tillman location. The Staff Report comments that hardness and concentrations of certain ions can change the ammonia toxicity. Staff Report at 4. Also, there is considerable variability in rainfall that will impact the toxicity of ammonia. For example the second season of sampling (2003-2004) was a very dry year with only 9.2" of rainfall. Dry years may lead to higher temperatures that would change the toxicity of ammonia. Thus the toxicity of ammonia will fluctuate throughout the year and in different years, and the limited number of samples collected may not represent "critical" conditions.

Clearly, the data collected do not provide an adequate characterization of these very large watersheds, so additional data collection and data analysis must occur to develop appropriate SSOs. Also the SSO does not identify the critical conditions that would lead to the greatest ammonia toxicity. Southern California is a place of extremes, and this variability must be considered. The



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study design must be modified to account for variability in water quality and rainfall conditions. Ideally, a minimum of four sampling events (2 wet and 2 dry) per year over five years are needed to develop a SSO that accurately reflects site-specific conditions.

The SSOs must not compromise future restoration efforts.

Regional Board staff proposes ammonia objectives for both Early Life Stage ("ELS") present periods and ELS absent periods. In all cases the ammonia objectives in ELS absent periods are much less stringent than current objectives and proposed objectives in ELS present periods. Further, the SSO allows for the Regional Board to designate a waterbody as "ELS Absent" if "...staff conclude that physical conditions and, specifically, hydromodifications of the waterbody preclude the presence of early life stages of fish in significant numbers." SSO at 20. This characterization process appears very arbitrary. Also, this approach may have negative side effects, as an ELS absent designation may hinder habitat restoration efforts and dissuade dischargers from undertaking future restoration efforts: a disappointing outcome in light of potential restoration efforts for the LA River, San Gabriel River, and Compton Creek.

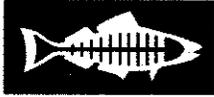
The Regional Board's mission is to "preserve and enhance water quality in the Los Angeles Region for the benefit of present and future generations."¹ Making a presumption that a set of water bodies is "ELS Absent" may compromise this objective. The goal of watershed restoration is to improve current conditions by restoring degraded habitat and providing long-term protection for aquatic and riparian resources. For example, a stated goal in the LA River Revitalization Plan is to restore steelhead runs in the river. Relaxing ammonia objectives will counter this goal, which subsequently may make it more difficult to restore impaired water bodies and for fish to recolonize the restored habitat. Programs such as the Los Angeles River Revitalization Master Plan, Compton Creek Watershed Management Plan, and other restoration plans and measures are already in place to restore parts of our region's degraded river and stream systems. Some of this restoration even includes the removal of concrete and barriers from many of these rivers and streams. Also, a designation of "ELS Absent" may discourage dischargers from undertaking future restoration efforts as objectives would possibly become more stringent objective. We thus encourage the Regional Board to seriously consider possible restoration activities and goals for these waterbodies before designating an area as ELS Absent.

The Regional Board must ensure that ammonia objectives are protective of all species.

As stated in the Staff Report, the Los Angeles, San Gabriel, and Santa Clara Rivers provide habitat to sensitive species such as three threatened or endangered species – the unarmored three-spine stickleback, Santa Ana sucker, and steelhead trout. It is paramount that the prescribed water quality objectives protect these sensitive species. Thus, various non-conservative assumptions should be adjusted in developing the SSO.

The SSO proposes ammonia objectives that are 1.5 to 2.3 times greater than the current 30-day average ammonia objectives. In calculating these objectives, the Staff Report states that "[t]he design of the calculation process... [will] determine a criterion value that will protect 95% of aquatic species." SSO at 18. What about the 5% of species that are not protected? This approach is

¹ California Regional Water Quality Control Board, Los Angeles Region website [available from: <http://www.waterboards.ca.gov/losangeles/html/mission.html>]



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entirely inappropriate. Instead, the calculation should protect 100% of the species, especially the most sensitive species.

Also, the SSO proposes an ELS Present period of April through September. This designation may not be protective of all species. During dry years such as the current drought year, there is limited stream disruption in perennial streams. Thus, reproduction may be viable all year long for certain species. The most conservative approach would be to eliminate the specific ELS Present period and provide for ELS Present all year long. At a minimum, the ELS Present period should be widened to March to November, in order to protect reproduction periods for carp and arroyo chub.

Relaxing ammonia objectives in upstream reaches will compromise the water and habitat quality of downstream receiving waters

The SSO proposes revised, less stringent ammonia objectives for various reaches and tributaries of the Los Angeles, San Gabriel, and Santa Clara Rivers. This can be problematic if, for instance, an ELS absent reach is located upstream of an ELS present reach. Permitting relaxed ammonia objectives for upstream water bodies may result in increased ammonia concentrations in downstream waters. This is unacceptable.

Discharges upstream should not contribute to exceedances of downstream objectives. The Regional Board must make certain that regulatory actions to achieve applicable site-specific objectives ensure that downstream standards will also be achieved.

In sum, we believe that the State Board should require additional data collection before an appropriate SSO can be developed. At a minimum, more conservative assumptions and a margin of safety should be included in all calculations to ensure that all species are protected. For the Board to move forward with SSOs at a time where some dischargers in these watersheds have not even completed facilities to reduce ammonia concentration in their effluent is premature and based on woefully inadequate data.

If you have any questions or would like to discuss our comments, feel free to contact us at 310-451-1500.

Sincerely,

Kirsten James, MESM
Water Quality Director