

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. 2004-022
March 4, 2004

**Amendment to the *Water Quality Control Plan for the Los Angeles Region* to Update the
Ammonia Objectives for Inland Surface Waters Not Characteristic of Freshwater
(including enclosed bays, estuaries and wetlands) with Beneficial Use designations for
protection of “Aquatic Life”**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses designated for each water body found within its region.
2. The proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) was developed in accordance with section 13241 of the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 4, Article 3).
3. The current Basin Plan contains ammonia objectives to protect inland surface waters not characteristic of freshwater that are based on U.S. EPA criteria adopted in 1984.
4. The amendment proposed for adoption into the Basin Plan will update the current ammonia objectives for inland surface waters not characteristic of freshwater. The proposed objectives reflect criteria developed by U.S. EPA in the “Ambient Water Quality Criteria for Ammonia (Saltwater) –1989.”
5. The amendment will revise Chapter 3 “Water Quality Objectives” of the Basin Plan and include implementation language.
6. The proposed amendment is based on the most recent acute and chronic saltwater toxicity data reviewed by U.S. EPA.
7. Specifically, as a result of these revisions, both the one-hour average and 4-day average objectives are fixed limits for unionized ammonia, independent of pH, temperature, or salinity. The one-hour average objective is based on the genus mean acute values of the four most sensitive saltwater species identified in the development of the EPA criteria. The 4-day average objective is derived using acute chronic ratios for two saltwater and four freshwater species used in the development of the EPA criteria.
8. For the acute objectives, the new objectives will be less stringent than existing acute objectives at pH values less than 8 and temperatures less than 20 °C.
9. The new chronic objectives for ammonia are less stringent than chronic objectives currently in the Basin Plan at pH values less than 7.75 and temperatures less than 15 °C.

10. The proposed amendment provides implementation language to determine whether a water body is characteristic of freshwater, brackish water or saltwater to determine which objectives should be applied. Water bodies that are *not* characteristic of freshwater are defined as those in which the salinity is greater than 1 part per thousand 95% or more of the time.
11. The proposed amendment utilizes methods similar to that contained in the Technical Support Document for Water Quality-based Toxics Control (US EPA 1991) and Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the SIP) to translate the objectives contained in this proposed amendment into effluent limits in the absence of a TMDL.
12. The Regional Board has considered the costs of implementing the amendment, and other factors, as required by the California Water Code, section 13241.
13. The proposed amendment results in no or *de minimis* potential for adverse effect, either individually or cumulatively, on wildlife.
14. The regulatory action proposed meets the “Necessity” standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
15. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
16. The basin planning process has been certified as ‘functionally equivalent’ to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.).
17. Regional Board staff prepared a staff report dated October 8, 2003 describing the proposed amendment, and sent the staff report to all known interested persons to allow a 45-day public comment period in advance of the public hearing.
18. The Regional Board held a public hearing on March 4, 2004 for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all known interested persons and published in accordance with California Water Code, section 13244.
19. The Basin Plan amendment must be submitted for review and approval by the State Water Resources Control Board (State Board), Office of Administrative Law (OAL), and U.S. EPA. Once approved by the State Board, the amendment is submitted to OAL and U.S. EPA. The Basin Plan amendment will become effective for state law purposes upon approval by OAL. For purposes of federal law, the Basin Plan amendment will be effective upon approval by both OAL and U.S. EPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that

1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the

amendment to the Water Quality Control Plan for the Los Angeles Region, to amend the ammonia objectives for inland surface waters not characteristic of freshwater (including enclosed bays, estuaries and wetlands) as set forth in Attachment A.

2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the U.S. EPA.
4. If during its approval process the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 4, 2004.

Original signed by Dennis Dickerson on 4/6/04

Dennis A. Dickerson
Executive Officer

Date