Winston H. Hickox
Secretary for Environmental Protection

California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

TO: Interested Persons

FROM: Renee DeShazo Renee DeShazo

DATE: November 13, 2001

SUBJECT: 2002 UPDATE OF FEDERAL CLEAN WATER ACT SECTION 303 (d) LIST OF IMPAIRED WATERS

A public workshop is planned for November 19, 2001, to discuss the 2002 update of the federal Clean Water Act section 303(d) list of impaired waters for the Los Angeles Region. The objective of the 303(d) list is to regularly identify those water bodies that are not attaining water quality standards. This is achieved by conducting a regional water quality assessment, following U.S. EPA guidelines for preparing water quality assessments (also known as 305(b) reports). Staff of the Los Angeles Regional Water Quality Control Board (Regional Board) will present recommendations for new listings and de-listings and individuals will be given the opportunity to comment and ask questions regarding the recommendations.

Public Workshop:
Discussion of 2002 Update of 303(d) List of Impaired Waters
Monday, November 19, 2001, 1:00 p.m. to 3:30 p.m., at the
Metropolitan Water District
Committee Room 1-102, 1st Floor
700 N. Alameda Street
Los Angeles, CA

All attendees must check in at the security desk. Parking is available at Union Station.

Regional Board staff will present the final recommendations for new listings and de-listings to the Regional Board as an Information Item at the regularly scheduled Board meeting on November 29, 2001.

Regional Board Meeting:
Information Item on 2002 Update of 303(d) List of Impaired Waters
Thursday, November 29, 2001, 9:00 a.m., at the
Richard H. Chambers U.S. Court of Appeals Building
125 S. Grand Avenue
Pasadena, CA

Staff recommendations will then be forwarded to the State Water Resources Control Board for approval. Should you be aware of interested persons who have not received this notice, please extend an invitation to them to participate in the workshop. We look forward to your continued participation in our efforts to protect water quality. Should you have any questions, please call Renee DeShazo at (213) 576-6783 or Tracy Patterson at (213) 576-6661.

3054 Meeting - [illegible] - Nov. 1-1, 2001

Sign In Sheet

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Update of 1998 303(d) List of Impaired Waters

Public Workshop
November 19, 2001

Update Process

- ✓ Data solicitation
  - ✓ Fall 2000
  - ✓ Spring 2001
- ✓ Presentation on methodology at Board meeting (May 31, 2001)
- ✓ Subsequent presentations to stakeholder groups
- ✓ Public workshop to present proposed new listings and de-listings
- ✓ Presentation to Regional Board on Nov. 29

Status

- ✓ November-December 2001
  - ✓ Finalize 303(d) recommendations
  - ✓ Finalize 305(b) report
  - ✓ Submit recommendations to State Board along with comments received

Assessment Guidelines

- ✓ U.S. EPA guidelines (EPA-841-B-97-002B, 1997)
- ✓ Regional guidelines where EPA guidelines don't exist
  - ✓ Basin Plan objectives (toxicity) and
  - ✓ Assessment approaches of state monitoring programs (sediment, bioaccumulation, benthic community)
  - ✓ Weight-of-evidence

Relationship between 305(b) and 303(d)

- ✓ 305(b) Water Quality Assessment
  - ✓ Regional assessment of water quality,
  - ✓ to determine degree of beneficial use support of water bodies
    - ✓ Fully supporting beneficial uses
    - ✓ Fully supporting but threatened
    - ✓ Partially supporting
    - ✓ Not supporting
- ✓ 303(d) List of Impaired Waters
  - ✓ Waters that are *fully supporting but threatened*, *partially supporting* or *not supporting* beneficial uses

Assessment Guidelines

- ✓ Conventional pollutants & stressors (e.g., dissolved oxygen, pH, TDS, chloride)
  - ✓ "Fully supporting" if ≤10% of samples exceed water quality standard
  - ✓ "Partially supporting" if 11-25% exceed
  - ✓ "Not supporting" if >25% exceed
- ✓ Relevant beneficial uses:
  - ✓ Aquatic Life, Agriculture, Waterbody specific objectives

Assessment Guidelines
(continued)

- ✓Toxic Substances (e.g., priority pollutants, ammonia)
  - ✓Fully supporting if no more than 1 violation of chronic criteria, and no more than 1 violation of acute criteria within a 3-year period (based on grab or composite samples)
  - ✓Partially supporting if criteria exceeded more than once but in ≤10% of samples
  - ✓Not supporting if criteria exceeded in >10%
- ✓Relevant beneficial use: Aquatic Life

Assessment Guidelines
(continued)

- ✓Drinking Water (MUN)
  - ✓Fully supporting: Contaminants do not exceed water quality standards
  - ✓Fully supporting but threatened: Contaminants exceed water quality standards >10%
  - ✓Partially supporting: Median concentration of contaminants exceeds standard

Assessment Guidelines
(continued)

- ✓MUN (continued)
  - ✓Potential MUN as designated under SODW assessed using Title 22 Primary MCLs only
  - ✓Other Existing or Potential MUN assessed using Title 22 and CTR human health criteria

Assessment Guidelines
(continued)

- ✓ Bacteria objectives for recreation
  - ✓ Coliform data
    - ✓ Partially supporting: Threshold limit exceeded
      - ✓ >10% samples exceed 400 fecal coliforms/100 ml
      - ✓ >20% samples exceed 1,000 total coliforms/100 ml (marine water only)
    - ✓ Not supporting: Geometric mean exceeded
  - ✓ Beach postings
    - ✓ Not supporting: beach was posted >10% of days annually
  - ✓ Beach closures
    - ✓ Partially supporting: On average, 1 closure/year of < 1 week's duration
    - ✓ Not supporting: More than 1 closure/year, or on average, 1 closure/year > 1 week's duration

Assessment Guidelines
(continued)

- ✓ Fish and shellfish consumption
  - ✓ Fully supporting: No restrictions or bans
  - ✓ Partially supporting: Restricted consumption
  - ✓ Not supporting: "No consumption" ban

Assessment Guidelines
(continued)

- ✓ Other guidelines will be used where EPA guidance does not exist
- ✓ The following guidelines were used:
  - ✓ Sediment chemistry
    - ✓ Effects Range-Median/Probable Effects Level guidelines
  - ✓ Fish tissue contamination
    - ✓ Maximum Tissue Residual Levels (MTRLs)
  - ✓ Benthic community
    - ✓ Relative Benthic Index

Assessment Guidelines
(continued)

- ✓ Water column toxicity
  - ✓ Weight of evidence; focus on recurring consistent/persistent toxicity
  - ✓ Look for both acute and chronic toxicity

Assessment Guidelines
(continued)

- √ Minimum of 10 data points for a waterbody segment over the assessment period (1997 to present) for water chemistry and bacteriological data
- √ No minimum data requirements for water column toxicity, habitat assessment, sediment chemistry/toxicity, bioaccumulation or benthic community – weight-of-evidence approach

Assessment Results

	New Listings		Delistings		Total changes	Net change
Watershed	Water column	Tissue/Sed	Water column	Tissue/Sed	to 303(d) List	to 303(d) List
Ballona Creek	6	0	0	8	14	-2
Los Angeles River	10	4	0	4	18	10
San Gabriel River	6	0	1	2	9	3
Santa Clara River	13	0	0	1	14	12
Malibu Creek	1	0	0	6	7	-5
Ventura River	5	2	0	8	15	-1
Calleguas Creek	25	19	7	33	82	2
LA County Coastal	2	14	0	12	28	4
Ventura County Coastal	7	8	0	4	19	11
Total	73	47	8	78	206	34

New Listings: Water Column

- Bacteria (20)
- Metals (19)
- Nitrogen & its effects (14)
- Chloride, TDS, Sulfate (12)
- pH (3)
- Sedimentation (Calleguas Creek Watershed, 8 reaches)
- Other (3) (trash, toxicity, unnatural foam/scum)

New Listings: Sediment, Tissue, Benthic Community

- ✓Tissue (22)
  - ✓(chlordane, lindane, dieldrin, PCBs, toxaphene)
- ✓Sediment chemistry (19)
  - ✓(chlordane, dieldrin, PCBs, some metals)
- ✓Benthic community degradation (3)
- ✓Sediment toxicity (3)

Delistings

- Water column
  - D.O (3)
  - Boron (2)
  - Toxicity (2)
  - Trash (1)
- Tissue (72)
- Sediment (5)
- Benthic community (1)

TMDL Analytical Units

- ✓ 8 New TMDL Analytical Units based on Proposed New Listings
  - ✓ Calleguas Creek Bacteria
  - ✓ Ballona Creek pH
  - ✓ Avalon Beach Beach Postings
  - ✓ San Gabriel River Estuary Trash
  - ✓ McCoy Canyon Creek (LA River) Nitrate
  - ✓ Santa Clara River Salts
  - ✓ Los Cerritos Channel Sediment Toxicity
  - ✓ Ventura River Bacteria

TMDL Analytical Units to be Removed based on Proposed Delistings

Analytical Unit	Waterbodies	Pollutants
14	LA River Reach 5	Chlorpyrifos
18	LA River Reach 6	ChemA
27	Port Hueneme Harbor	PAHs
28	Port Hueneme Harbor	Zinc
30	Port Hueneme Harbor	TBT
38	East Fork San Gabriel River	Trash
61	Westlake Lake and Malibou Lake	Chlordane, PCBs
70	Ballona Creek/Marina del Rey	TBT
79	LA Harbor	TBT
87	Ventura River Estuary	DDT
90	Ventura River Reaches 1&2	Copper, Zinc, Silver
92	Ventura River Reach 2	Selenium

Staff Contacts

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- San Gabriel River/Malibu Creek
  - Rod Collins 213-576-6691
- Santa Clara River
  - Elizabeth Erickson 213-576-6683
- Calleguas Creek/Misc. Ventura Coastal
  - Lisa Carlson 213-576-6690
- Ventura River
  - Tracy Patterson 213-576-6661
- Toxicity
  - Shirley Birosik 213-576-6679
- Sediment, Tissue and Bioaccumulation Data
  - Michael Lyons 213-576-6718

In Re: Update of 1998 303(d) List of Impaired Waters * November 19, 2001**

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JOB #:

WQLI576

CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

In re:)
)
Update of 1998 303(d) List of)
Impaired Waters Public Workshop)
)

TRANSCRIPT OF PROCEEDINGS
Los Angeles, California
Monday, November 19, 2001

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Reported by:
FAUSTO G. PEREZ
CSR No: 12234

Job No.:
WQLI576

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

In re:)
)
Update of 1998 303(d) List of)
Impaired Waters Public Workshop)
)

TRANSCRIPT OF PROCEEDINGS, taken at 700 North Alameda, 1st Floor, Community Room 102, Los Angeles, California, commencing at 1:23 p.m., on Monday, November 19, 2001, reported by FAUSTO G. PEREZ, CSR No. 12234, a Certified Shorthand Reporter in and for the State of California.

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APPEARANCES:

Los Angeles Regional Water Quality Control Board:	Jonathon Bishop Tracy Paterson Ginachi Amah Lisa Carlson Rod Collins Elizabeth Erickson Samuel Unger Melinda Becker Renee DeShazo Jenny Newman Deborah Smith
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Los Angeles County Department of Public Works:	Jan Hardis
HTB:	Bing T. Hua Leslie Mintz
City of Carson:	Ken Boyce Travis Hopkins
Ojai Valley Sanitation:	Ronald Sheets
Friends of the San Gabriel River:	Jacqueline Lambricuts
Los Angeles River Water Quality Control Board:	Michael Lyons
Las Virgenes Municipal Water District:	Randal Orton

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EXHIBITS

(NONE)

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Los Angeles, California, Monday, November 19, 2001
1:23 p.m.

MR. BISHOP: Good afternoon, folks. My name for the record is Jonathan Bishop, and I'm the chief of the Regional Program Section of the Los Angeles Regional Board.

This afternoon we're going to have an informal meeting to kind of give you all a heads-up on the 303(d) listing and delistings that we're proposing.

If you haven't already, we have copies by Watershed of the fact sheets and the proposed listings and the delistings on the side table. In just a minute, Renee DeShazo, the staff person in charge, is going to give a presentation on the report.

This meeting here is an opportunity for you to ask us questions about any of the listings or delistings or general comments on the listings. And then we are scheduled on the November 29th board meeting to have an information item for our Board, and then we'll be submitting to the State Board our recommendations plus any

comments we receive from anyone, along with any preliminary responses that we have to Sacramento. They will be taking the official action of adopting the list from all the regions at one time this spring. We don't have a date on that yet for you. So I think I will turn it over to Renee now, and we'll get

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started.

MS. DESHAZO: Thank you all for coming. The first thing that I want to let you know is we're going to pass around a sign-in sheet. And I'd like you all to make sure that you sign in for our records as well as for the court reporter, so we'll have a record of everybody's name, title, and organization.

What I would like to do with the presentation is first of all go over the assessment methodology that we've used for the update of the 303(d) list. And after I do that, then I will summarize basically the findings, the new listings that we're proposing and the delistings that we're proposing. I'm not going to go into a lot of detail about each individual listing because it would go well beyond the time we have allotted for the listings and the delistings. But then we will open it up, and you'll have an opportunity to ask us questions both about the methodology as well as about specific listings if you'd like.

We understand that you haven't had the time to review the fact sheets yet, but you will have some time before the board meeting now to review the fact sheets as well as to prepare comments that we would then submit to the State Board as Jon stated. So let me go ahead and start.

Next slide please.

Basically for the 303(d) update for 2002, the process that we undertook is to first do two data

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solicitations. The first was done in the fall of 2000 and was targeted to agencies that we knew collected a large amount of data on the waterbodies in our regions. The second was in the spring of 2001 and that was to our entire basin plan mailing list which at the time was about 1,200 agencies and organizations and also individuals.

On May 31st some of you may have been at the special board meeting that we had at which we presented as an information item the assessment methodology that we were planning on using for the 2002 update.

And then we've also held subsequent presentations to stakeholder groups, and specifically we held two presentations for SCAP, the Southern California Association of POTWs. I want to again go over the assessment methodology in the second one to present some primary results from just a couple of weeks ago.

And then we're having this public workshop today. And again as Jon stated, we're going to give a presentation to the Regional Board as an information item on November 29th, and at that point we'll compile the whole package together along with comments, and we'll forward those up to State Board which will be the final adopting authority for the whole state.

Next slide please.

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So basically the status as of right now as I was saying is to finalize the 303(d) recommendations which you basically have in front of you and also to finalize the 305(b) report. And in just a minute I'll tell you the

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relationship between the 305(b) report and the 303(d) list; and then, again, to submit recommendations to the State Board along with any comments that we receive.

Next.

So basically in terms of the assessment guidelines that we used, we follow primarily U.S. EPA's assessment guidelines for completing 305(b) reports.

305(b) reports are essentially regional water quality assessments to determine what beneficial uses are being supported or not supported.

There were some situations where U.S. EPA guidelines did not exist; for example, for tissue data, for sediment chemistry and sediment toxicity data, There are not very detailed U.S. EPA guidelines. So in these cases the Regional Board developed guidelines on the basis of state monitoring programs that we have that were sediment, bioaccumulation, and benthic community.

And we also did use a weight-of-evidence approach for some of these data types where we didn't have guidelines from the U.S. EPA.

So briefly to go over the relationship between the 305(b) report and the 303(d) list. The 305(b) water quality assessment is something that's required by the Federal Clean Water Act; and essentially, as I said, it's a regional assessment of water quality. And the point of that is to determine the beneficial uses that are being supported for the waterbodies in the region.

Beneficial uses being things like aquatic life, water

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contact recreation, fish consumption, municipal drinking water supplies, that sort of thing.

And so for the 305(b) report what we do is we look at the water quality standards that we have for the region, and we determine for each beneficial use whether it's fully supporting, partially supporting or not supporting, and we also have a category for fully supporting but threatened.

And then the 303(d) list, essentially we do that 305(b) report, and then from that any waters that are fully supporting but threatened, partially supporting or not supporting are considered impaired per 303(d), Section 303(d) of the Clean Water Act. And then those are the waters that then get on the 303(d) list and for which we do TMDLs.

Next.

So let me go over the assessment guidelines that we used for various types of data at this point. And I realize some of you have heard this in previous presentations but for the benefit of those who may have not heard it, I'll go over it again.

For conventional pollutants and stressors such as dissolved oxygen, pH, TDS, and chloride, the beneficial uses we looked at were aquatic life, agriculture, and then we also had some waterbody specific objectives in the basin plan. And we considered those

beneficial uses or those objectives met if less than or equal to 10 percent of samples exceeded the water quality

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standards. It was considered partially supporting if 11 to 25 percent exceeded, and then not supporting if greater than 25 percent of measurements exceeded. And let me just mention at this point a couple other things which is, first of all, we looked at waterbody segments or regions. So once we gathered all the data together, we put all the data for one waterbody segment into one data set. And when we did the evaluations for various pollutants, we looked at all the data that was available for that particular waterbody segment for the assessment period that we looked at, which was July 1997 to the present. So that's generally how we looked at the data.

Next slide please.

For toxic substances, for example, priority pollutants and the California toxic rule or CTR or ammonia, it was fully supporting if there was no more than one violation of the chronic criteria, and no more than one violation of the acute criteria within the three-year period generally that we looked at from July '97 to the most recent data that was submitted to us. And when we were looking at CTR criteria and ammonia, we did use grab samples to evaluate compliance with the water quality objectives. It was partially supporting if the criteria exceeded more than once but in less than or equal to 10 percent of samples, and then not supporting if the criteria was exceeded in greater than 10 percent of samples. And for those the relevant beneficial use is

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aquatic life.

Next.

For the drinking water beneficial use, the way we assessed this is it was fully supporting if all of the contaminants did not exceed the water quality standards. We considered it fully supporting but threatened if the contaminants exceeded water quality standards greater than 10 percent of the time, and partially supporting if the median concentration of the contaminants exceeded the standard. So it was a slightly different approach for the MUN beneficial use.

Okay.

And just to briefly state, the reason for this potential MUN that was designated under the source of the drinking water policy was assessed using Title 22 primary MCLs only. And the reason for this is because we're in the process of developing a longer term policy for dealing with MUN. And we felt like at this point it was most appropriate to look at Title 22 standards. Other existing or potential MUN uses were assessed using Title 22 and the California Toxics Rule Human Health Criteria.

Okay.

For recreational uses, the primary data that we looked at was bacteriological data. And we looked at several different aspects of that. The first was the actual monitoring data that we had on total and fecal coliform, and we considered the use partially supporting

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if the threshold limit was exceeded. And there are actually two threshold limits for bacteria. We looked at both the basin plan as well as the California ocean plan for beaches. And for fecal coliform, the threshold limit is greater than 10 percent of samples exceeding 400 fecal coliforms per 100 milliliters. And for the California ocean plan on total coliform, the threshold limit is greater than 20 percent of samples exceeding 1000 total coliforms per 100 milliliters. And we considered it not supporting if the geometric mean limits were exceeded. So for both fecal coliform and – actually, only fecal coliform has a geometric mean limit, but if it exceeded that limit, it was not supporting.

For beach postings, and basically a beach is posted if it exceeds any of the AD411 bacterial indicator thresholds, and there are four of those; there's total coliform, fecal coliform, enterococcus, and total-to-fecal ratio. And if those collectively were exceeded more than 10 percent of days annually, then the beach was considered not supporting due to beach postings.

And then finally we looked at beach closures, and a beach was considered partially supporting if there was one closure per year of less than a week. Or it was not supporting if there was more than one closure per year or the closure was greater than a week in duration.

Then for fish and shellfish consumption, another beneficial use that we looked at, we primarily

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looked at fish consumption advisories as published by OEHHA which is the Office of Environmental Health Hazard Assessment, the state office; and it was fully supporting if there were no restrictions or bans on any species, partially supporting if there were some restricted consumption for some species, and not supporting if there was a "no consumption" ban on any species.

Next.

As I stated, there were other guidelines that we developed where EPA guidance did not exist for determining whether or not a waterbody was impaired; and in general, the following guidelines were used:

For sediment chemistry we looked at the effects range-median or the probable effects level guidelines. And these are guidelines that have been used in state monitoring programs in California. For fish tissue contamination, we look at maximum tissue residual levels or MTRLs. Again, this is something that's been used in state monitoring programs in California. And then for the benthic community, we looked at the relative benthic index. And again this is something that's been used statewide through the Bay Protection and Toxic Cleanup Program.

Next.

For water column toxicity, we used a weight-of-evidence approach. We only have one proposed new listing and two proposed delistings related to toxicity. And we focused on recurring or consistent and

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persistent toxicity. So we looked at both acute and

chronic toxicity and tried to see if there was a very consistent trend of toxicity in samples for a particular waterbody segment.
Next.
So finally I just want to also state that in the assessment, particularly for water chemistry and bacteriological data, we did require a minimum of 10 data points for a waterbody segment over the assessment period of 1997 to the most recent data that was submitted to us.
And for the other data such as the sediment chemistry, sediment toxicity, bioaccumulation and benthic community data, we did not have a minimum number of data points that were required. We viewed these data types as more integrators and less likely to fluctuate over time.
So, again, we used a weight-of-evidence approach in this case. There were no situations where we used less than two samples, and we also did not base any listings on sediment chemistry alone but tried to use multiple data types in that situation to indicate impairment.
Next.
So to get to the actual assessment results, let me look up here. This gives you a summary of the new listings by Watershed. It gives a summary of the new listings by Watershed and delistings by Watershed, and I've broken it up by water chemistry and bacteriological data as well as then the other column that you see there is for tissue data and sediment chemistry and sediment

toxicity data. That actually also includes a few new listings or delistings based on benthic community as well.
So you can see that the majority of the – well, the majority of the new listings are almost exclusively water column new listings. There are about half as many tissue and sediment listings. And then for the delistings, the bulk are tissue and sediment delistings.
Let me point out that for the delistings the reason that there are so many tissue and sediment delistings is because we did go through the 1998 303(d) list and where something had been listed for tissue on the basis of elevated data levels, we did propose those for delisting because State Board indicated that the EDLs were not a sufficient basis for listing a water body as impaired. So the bulk of the delistings were related to original listings that were bases on the EDLs.
And in terms of total changes, we're talking about a total of 206 changes to the 303(d) delist, that new listings and delistings combined for a net change of 34 additional listings over the 1998 list.
Next.
So just to give you a sense of the types of new listings that we have, the metals and bacteria were pretty much tied in terms of new listings. Nitrogen and its effects was pretty close in terms of third place. The salts were the next most frequent. We had a few new listings for pH. One new listing for sedimentation and

then several others for trash, toxicity, and unnatural form and scum.
For the sediment, tissue and benthic

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community new listings, again really the tissue and sediment chemistry listings were almost tied in terms of the numbers. You can see that the contaminants that we're talking about were pretty similar: Chlordane, lindane, dieldrin, PCBs, and some of the same for sediment chemistry. We had a few new listings for benthic community degradation and also for sediment toxicity.
Next.
And then for delistings for the water column, we had three for D.o; two for boron; two toxicity, water column toxicity delistings; and one delisting for trash, that being the East Fork of the San Gabriel River which now has an improved TMDL, which allows us to delist it from the 303(d) list.
For tissue, again the bulk of these are related to exceedances of EDOs. That's why they were originally put on the list. We're now removing those from the list and a few for sediment and one for benthic community degradation.
Next.
So to give you a summary of what this means in terms of our TMDL analytic units, we currently have 92 TMDL analytic units in total under the consent decree. Basically what this would do is it would probably add eight new TMDLs analytic units based our proposed

listings. And you can see there is one for Calleguas Creek, Ballona. There is one beach out on Catalina, Avalon Beach, that would now be listed for beach postings; San Gabriel River an additional trash listing. There's a tributary in the L.A. River that is listed for nitrate, and there is a nutrient TMDL for L.A. River already, but it focuses more on L.A. River itself; it doesn't really cover the area of the upper L.A. River. Santa Clara River salts, Los Cerritos Channel for sediment toxicity and some sediment chemistry, and then Ventura River for bacteria.
And then finally I'd like to just go over the TMDL analytic units that would be removed based on the proposed delistings, and there's a total of 12 of these. And one is the San Gabriel River East Fork for the trash because of the fact that's an improved TMDL; and you can see the remainder of these in terms of the analytic unit numbers as well as the waterbodies that would be affected and the pollutants that were included under that TMDL analytic unit. So those would be the ones that would be removed.
And as you can see there are quite a few that were smaller TMDL analytic units that just included one waterbody and one pollutant. And particularly Port Hueneme Harbor, there are three that would be proposed for delistings. That would eliminate three analytic units right there.
Next slide and I think the final one.

I'm sure you all will probably have questions about some of the data analysis, so I've included staff contacts for the various staff that worked on specific watersheds doing the data analysis. And we also have handouts with the staff contacts and phone numbers on the

table in the back. So I encourage you to pick one of those up, and you can also call me. I notice I didn't put my telephone number up there, but you are welcome to call me. And you guys probably have my telephone number from notices that have been sent out anyway.

And that's pretty much all I had for the presentation. And at this point we would like to open it up for any questions that you have about the methodology or specific listings as well as any comments that you might have.

MR. BISHOP: And if you can come up and use the microphone, or if you're sitting at the table, there are microphones there that you can just touch and turn on, so everybody can hear. State your name for the court reporter, so we can get who you are and who you represent. That would be much appreciated. Thank you.

MS. JORDAN: Stacy Jordan, California Department of Public Works. I just wanted the date that you wanted comments to be turned in. You said that you would be accepting comments and taking it to the Board. Do you

have a date as of yet?

MS. DESHAZO: We haven't come up with a specific date yet. The board meeting is on the 29th, if you would like to comment before the board meeting. I realize that's not much time, but we will probably be submitting the package up to the State Board shortly thereafter. I would say certainly by the second week in the December so if you can get comments to us by that time. And I don't actually have a calendar right in front of me.

MR. BISHOP: Before the meeting is over, we'll get you a date. We'll look at a calendar, and we'll set up a date. So we'll be taking both written and verbal comments up until and including at the board meeting on the 29th. You are welcome after that date to make comments to the State Water Resource Control Board directly.

MS. DESHAZO: Does anybody else have any questions or comments?

MR. DOJIRI: I have a question.

MS. DESHAZO: Okay.

MR. DOJIRI: For the record my name is Mas Dojiri. First name is spelled M-a-s. Last name is spelled D, as in David, O-j-i-r-i. I would work for the City of Los Angeles Bureau of Sanitation. There are a number of, I guess, listing guidelines or assessment guidelines that we use, for example, the Benthic Index, the Sea Food Consumption Advisory, and the Beach Closure Postings – I'm sorry –

Beach Postings and Beach Closures. It's more of a question than anything else because I don't know the answer to it. I'm aware of several cases, several state litigations, that involve, I think it's Western Carolina as well as Sacramento. And essentially in the Carolina case, they use a trophic index, and the court ruling on that was that

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the water board or whatever the counterpart is in North Carolina or South Carolina was that the trophic index was used without going through the proper rule-making authority in order to establish it as water a quality standard, which is germane, of course, to the listing process. And so the Court kicked that out or ruled that out. And on top of it, I guess the judge declared it a binding norm test, meaning that any states that have this binding norm, I guess that ruling applies to those states. I don't know if California is part of that or not. But the question is, is it valid to use those as water quality standards, the Benthic Index as well as the Sea Food Consumption Advisory as water quality standards when they haven't gone through the proper rule-making authority? Could you address that please?

MR. BISHOP: I'll take a shot at that. The 305(b) and 303(d) require us to assess the state of the watersheds or waterbodies in our region. And they allow us to use a number of criterion and best professional judgment to make those decisions. What we used was a series of well-recognized criteria, not

regulations, to base our judgments. The final analysis are judgments by staff on the quality and the assessment of the watersheds.

MR. DOJIRI: I understand that that's how you did it. My question is, is it valid?

MR. BISHOP: We believe so.

MS. SMITH: You know, we believe it. And not having the details of the court case that you are referring to, it's hard to tell what it is. It could be that trophic index wasn't clearly an indicator, wasn't linkable, you know, directly to the impairment like obviously fish consumption is linked to that particular use. Anyway, we can't comment further without the details.

MR. DOJIRI: Would it help if I provided that information to your – or do you want that information?

MS. SMITH: Sure, we'd love to see it; but as Jon said, we're proceeding with what we think is proper guidance from the folks we've been working with.

MR. DOJIRI: Yeah, I'm not so sure that – I'll have to review the case myself, but I don't think it was so much that the trophic index itself was faulty scientifically. It's just that they hadn't gone through the proper procedures to establish it as a water quality standard. So anyway, I'll communicate that to Jon.

MS. SMITH: Okay. Thanks.

MR. DOJIRI: Uh-huh.

MS. DESHAZO: Anybody else?

MR. BISHOP: Would it help if we took a 15-minute break for people to take a few minutes to look at the listings, so we don't feel on the spot? We're happy to stay here and answer questions. I know that you just received it prior to the meeting, so why don't we take 15 minutes, and then we'll see if anyone has any issues or comments at that point. And then the court reporter doesn't have to sit here waiting, and we don't have to sit here staring at each other for 15 minutes. So why don't

we reconvene at five after 2:00, and then we'll see if there are any specific questions that we can answer or comments.

(recess)

MR. BISHOP: Let's reconvene to see if anyone has any questions or comments that they would like us to try to respond to at this time, or if not, you're welcome to take the documents home with you. We'll let you keep them this time. And then as I said, we'll be accepting both written and oral comments until the 29th meeting. And the State Water Resource Control Board will be hearing this in the spring, and they will be sending out a solicitation also at that point.

MS. DESHAZO: And also did everybody have a chance to sign the sign-in sheet? I just want to make sure that everybody is on there.

MR. BISHOP: And I think Renee wanted to make one more comment.

MS. DESHAZO: Oh, yes.

MR. BISHOP: And then we can all go home early.

MS. DESHAZO: I just wanted to clarify. In the presentation that I gave, I mentioned that the assessment period that we looked was July 1997 to the present, and that was for water chemistry data and also bacteriological data. But somebody came up and asked me during the break about the sediment and tissue and bioaccumulation data. We did go back and look at a longer time period for that because of the fact that that doesn't fluctuate as much. We essentially looked at where the 1996 water quality assessment left off, and we started at that point and looked at data from that point forward. So typically it was 1994 to 1998. There may have been some exceptions to that, but that generally was the period that we looked at for this data type.

MR. MC GOWEN: I have two questions.

MR. BISHOP: State your name.

MR. MC GOWEN: Oh, sorry. Gerald McGowen. I work for the City of Los Angeles. Last name is M-c-G-o-w-e-n. Most McGowens are a-n.

I have two questions. The first one is very simple. I just want to ask a couple questions on these sheets. They seem very nice to me. But they're only for the new listings; is that correct?

MS. DESHAZO: That is correct. New listings or proposed delistings.

MR. MC GOWEN: Okay. And there's not a similar fact sheet for the previous –

MS. DESHAZO: Or continued listings, no. What we will be doing as a part of our 305(b) report is we will be preparing some very detailed tables that look at all the waterbodies we assessed. So those tables will include information on some waterbodies that are not listed on fact sheets, where we're essentially just continuing an existing listing or we've done another assessment. And it confirms that the waterbody should not be listed. So those will be available and will be submitted as part of our submittal to the State Board, but those are not completed yet.

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MR. MC GOWEN: Okay. My second question has to do with the NRT report, and I believe comments from several groups questioned or suggested the use of both action and preliminary lists. And it appears that that's not being done.

Is that because you don't agree with that, or is it just the time frame is such that – or is it here and I'm missing it?

MS. DESHAZO: No, we did not use that approach. Jon, do you want to respond to that at all?

MR. BISHOP: Well, the main reason is actually timing on the issue. And we're not, you know, philosophically opposed to it a watch list of some sort. Right at this point, we couldn't redo our criteria to take that into account for this listing cycle. I'm hopeful that for the next listing cycle there will be statewide requirements that we would then follow, and

they would include that, and we would use that. Given the timing, we couldn't make that change at this point.

MR. YOSHIDA: My name is Clayton Yoshida. I'm with the City of Los Angeles. Last name is spelled Y-o-s-h-i-d-a.

I noticed that some of your listings were based on just two points of data. I was wondering if that is – I'm pretty sure it's not based on a statistical conclusion – just basically your best professional judgment? And I guess what if other professionals might disagree with using two?

MR. BISHOP: I think you're talking about toxicity; is that correct?

MS. DESHAZO: It could be sediment or tissue.

MR. YOSHIDA: Right.

MR. BISHOP: There are a couple of issues related to that. The toxicity data – jump in if I misstate this, Renee – my understanding is that for toxicity data the EPA's is more than one in three years it is listed as an impairment, so we followed their guidance for toxicity. For sediment toxicity for tissue, for bioaccumulation, those in themselves are integrating factors. They tend to take a long time period to gather data, so that's why we used a less limited data set, you know.

MS. DESHAZO: Yeah, in general we tried to use the weight-of-evidence approach –

Michael, jump in if you need to.

– but essentially as I stated earlier, we tried when we could to use more than just one type of data, so not just sediment chemistry or sediment toxicity or bioaccumulation but when possible to use two or three data types to make a listing. And I think as Jon said, they tend to be things that don't fluctuate quite as much, and so we felt like using a smaller number of samples was appropriate.

MR. LYONS: Hi. My name is Michael Lyons. I'm the environmental specialist on staff.

I think Renee stated this earlier. For things like sediment toxicity and bioaccumulation data and sediment chemistry data, we often don't have very many

data points for a given waterbody. And as Jon said, as we integrate effects if we found a hit for one of these measures, we try to take it pretty seriously. We tried to use the weight-of-evidence approach and not base listings on a single hit. So we did want to at least repeat sampling.

And in most cases, it's based on fish tissue data. We really didn't have very much new sediment toxicity data because the bulk of that data came from the Bay Section Toxic Clean up program and most of that data had been included in the previous assessment. But I think there were a few instances where I may have added a listing for sediment toxicity if it didn't appear previously.

But most of the listings were looking at

sediment chemistry and tissue data. And I think as Renee said, we're trying not to list things solely on sediment chemistry because the guidelines that we use leave some room for error on whether or not there would be an effect. So we wanted to see sediment chemistry plus the biological effects to try to do listings. But if you find any specific listings that you feel you want to question or debate, feel free to comment or feel free to call me.

MR. DOJIRI: Michael, I have a question pertaining to this. Mas Dojiri with the City of Los Angeles. I think that the criterion that you used was once in three years. And I think for chronic toxicity, the EPA's guideline was twice in six years. I know everybody is going to say Arithmetically they're the same, but operationally they can be quite different. In other words, in the first year you could have zero exceedances, and then in the next three years you could have two exceedances. So it allows a little bit more flexibility in the program, whereas once in three years is much more constrained. Was that modification on purpose, or was that inadvertence?

MS. DESHAZO: Actually, you know, Mas, I think if you look at our 1996 water quality assessment, we used two and six years because we looked in '96 at a longer time period; but EPA's guidance actually does say once in three years, so it was EPA's once in three years –

MR. DOJIRI: So I have it backwards.

MS. DESHAZO: – and it was us who in '96 used the two in six years. And it's for the water column toxicity more than for the sediment and bioaccumulation data.

MR. DOJIRI: Okay. Thanks for the clarification.

MR. ORTON: Randal Orton with the Las Virgenes Municipal Water District. Looking at the fact sheets for the Malibu Creek Watershed, you list the tributary Cold Creek as impaired by algae using the criterion of Biggs, which is okay, but the sources for that are listed as nonpoint sources. I have two questions. One, a nonpoint source is what? And the second one – let's take one at a time.

MS. DESHAZO: Well, in general – and, Rod, jump in if you want to – but in general for a lot of the fact sheets, we tried to put down potential sources when we could. A lot of times – we don't have enough data at this point to really create a firm linkage between known sources and the impairment.

And so if we weren't sure of the peculiar source, then we put "non-point source" or "point source" for the time being, knowing that when we look into that impairment later on, we'll identify the actual sources that would be contributing to that.

And, Rod, I don't know if you can jump in and say anything about that particular area of Cold Creek. Does that answer your question in general?

MR. ORTON: It does. That's a good answer.

I also want to give some information regarding sources. It is kind of an unconventional source but well worth looking at the sources of shade, sources of light. It is not commonly thought of but if you remove that vegetation and increase sunlight, it is not viewed as a nonpoint source in terms of those types of parameters.

MS. DESHAZO: Right, and I think if I remember correctly that that fact sheet does note that there are some areas in Cold Creek without a lot of shading. And that's something that we actually did discuss among ourselves in the office related to that impairment.

MR. ORTON: If I may, one more data source that may assist you. Jonathan Lillien recently completed a Ph.D. dissertation quantifying loss of riparian habitat showing a 50 percent reduction dating back to 1930 or so. You might consult that.

MS. DESHAZO: Yeah, I'll get that reference from you after.

MR. ORTON: Okay.

MS. DESHAZO: Yes.

MR. YOSHIDA: Clayton Yoshida, City of Los Angeles. On a related note I assume that the waterbodies you presented on May 31st, other than these changes, are still on the list –

MS. DESHAZO: Yes, that's correct.

MR. YOSHIDA: – for the same reasons as listed? I notice that in that list there are a lot of

waterbodies that are listed, and the impairment is algae. Algae is not a pollutant. So will there be a change made when, for example, the column comes out, so that waterbodies are relisted, so that they're listed under a pollutant rather than a symptom such as algae?

MR. BISHOP: I'll take that. When new guidance comes out for water quality assessment, we will follow that guidance. If that guidance requires us to reevaluate existing listings, that we will do. If it does not, we probably will not. We look at the algae in the particular circumstance which you brought up, we group that with nitrogen and its effects which include then the sources of pollutants and their effects. So we're not looking at it as an individual item by itself for the most part, we're looking at it grouped with nitrogen, nitrite, ammonia, pH, LDO. Those kinds of things are all grouped together with

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algae and TMDL groupings that we've been doing. And then we look at does a reduction in the pollutant have an effect on – does the algae have an effect on that pollutant.

MR. YOSHIDA: Do you look at the hydrological situation also as pollution rather than as a pollutant and then make a judgment as to whether or not it should be listed based that?

MR. BISHOP: Do you mean by that, flow?

MR. YOSHIDA: Flow or substrate, the concrete lining or substrate.

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MR. BISHOP: We did not list any of our waterbodies for flow or for concrete lining as an impairment. No. I mean there is an argument that you could make that the L.A. River has been impaired because it was lined with concrete, but we didn't list them for the concrete, no.

MS. DESHAZO: Yes.

MS. BAX: Beth Bax, B-a-x, from L.A. County Sanitation District.

I had an e-mail recently that the national guidance on formulating the 303(d) list was released from the EPA. I know we haven't seen a copy of it, but I heard it was released last week. I heard, "Oh, it's coming in e-mail now." So I assume at this point, I know also nationally, that they were giving different states an extra six months to come up with their list; and I think last time I talked to you, you said that the State Board had not extended that invitation to us, and you guys were still due to get something within this fall.

MS. DESHAZO: Right. That's correct.

MS. BAX: So you're not going to able to look at the national guide at all for this listing, are you?

MS. DESHAZO: No, I don't believe so. I don't know if you want to respond to that in greater detail, Jonathan.

MR. BISHOP: Well, my understanding is it hasn't come out finally yet. But it's supposed to come out any day, the final. We do not believe, since we need to have it turned in as of the end of October to the State Board,

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that we have time to actually redo essentially two to three months worth of staff time that we put in to do this one, to do that again.

My understanding is that State Board is not going to then take all of our data and redo it either. And that's what we've conveyed to EPA, that it's just to late to making this listing cycle.

MS. BAX: Do you know why the State didn't give us that six months, give you the six months?

MR. BISHOP: Well, they didn't believe that they had enough time to really understand the new criteria and then redo everything and still get it to EPA in time if they took the six months. They didn't think that was enough time. That's my understanding.

MS. BAX: And during your presentation, Renee, I think you said that secondary MCLs were thrown out.

MS. DESHAZO: Well, we just didn't consider them in this listing cycle. So it's not that we're going back and looking at the previous listings that may have been based

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on that, but we did not use secondary MCLs.

MS. BAX: And your official reasoning for that is that you guys are reevaluating the MUN or –

MS. DESHAZO: Well, for potential MUN waterbodies designated under the source of this drinking water policy, we only looked at Title 22, primary MCLs. And the reason for just looking at the Title 22 instead of looking at Title 22 and CTR is because we're looking for a long-term policy to address those potential MUN waterbodies.

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The secondary MCLs were something that we just felt like there were other priorities in terms of looking at the primary MCLs and that those were more germane to listing as impaired.

MS. BAX: Okay. Thanks.

MR. ORTON: Randal Orton with Las Virgenes Municipal Water District.

I have a couple of questions, and I apologize that I'm just reading this now, so this is a critique on the fly.

On the beneficial uses affected for algae, you have listed rare and endangered species. Well, there's three that you have here that I'm puzzled on how the explanation for migration of aquatic organizations spawn reproduction and early development of rare and endangered species.

On the rare and endangered species, the species that I know of that are aquatic would be the steelhead trout which is normally confined. So is it done on the basis if they could get there, they would be impaired; and if so, how? What's the nexus between algae and these impairments?

MS. DESHAZO: We looked at – and I should have brought my basin plan with me. We generally looked at those existing and potential uses, so I'm not sure for Cold Creek if Cold is a potential beneficial use, but I think that it is. And so for algae we generally consider that any of the aquatic life beneficial uses designated

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for Cold Creek would be potentially affected by that impairment, so that was the reason for listing it.

Rod, do you know – I hate to put you on the spot – but do you know if Cold Creek is listed as a potential for rare and endangered –

MR. COLLINS: Rod Collins and, I'm on staff with the Regional Board.

What I did is use the tributary rule. We didn't have Cold Creek detailed out in terms of beneficial uses, so I took the beneficial uses that were listed for Malibu Creek and then applied that to Cold Creek.

MR. ORTON: Randal Orton. I apologize for continuing to pursue this.

Assuming for the moment that it's not for potential habitat, but it's real habitat, say it were today, what would be the impairment from the algae listings according to Biggs here? And Biggs has 30 percent of algae cover more than 10 percent of the time. Is there an analysis there, or how would that impact steelhead? What criterion are you using?

MR. COLLINS: Well, I'm using the Biggs criteria

which was the 30 percent. Within the document that I referenced, they did include an impairment to the benthic microinvertebrae which the steelhead feed upon; and so they included that as an impairment that would be affected, as something that would be affected by greater than 30 percent algae cover.

MR. ORTON: Thank you.

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MR. DOJIRI: Hi. My name is Mas Dojiri. I work for the City of Los Angeles.

I think Beth alluded to the court case of L.A. versus I, guess it's the Regional Board or the State Board on MUN designation for the L.A. River Watershed. In that court decision it was ruled in favor of the City of Los Angeles.

What effect did that have on the 303(d)?

Were any waterbodies' pollutant combinations thrown out?

MR. BISHOP: You have to be more specific on that. There are so many court cases between the City of Los Angeles and the Regional Board, I'm not sure which one you mean.

MR. DOJIRI: The particular MUN.

MR. BISHOP: The one that was just remanded to EPA; is that correct?

MR. DOJIRI: I guess. I apologize. I don't have the details. They haven't been communicated to us officially.

MR. BISHOP: There was a court case where the judge acted in the last couple of weeks that remanded the decision back to EPA. And that's essentially where it stands. The remand is still unclear. They're waiting for the court transcripts.

But our understanding is that the remand says that you either have to deal with the issue of potential MUN; and one potential way you can deal with the EPA is to allow the Regional Board Implementation Plan to stand,

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which says, "We want to impose more stringent effluent limits until those waterbodies have been thoroughly assessed," which is the way we were prior to CTR.

We assessed things based on that understanding for the moment since it's very much in flux. We believe that will be settled within the next two years one way or the other, so the next listing cycle, if it's that CTR and MUN applies, then we go back and reassess some of these; and if they didn't, we will continue with the MCL approach which is what we had in place prior to CTR.

MR. DOJIRI: Okay.

MR. JIRIK: Andrew Jirik with the Port of Los Angeles. Last name is J-i-r-i-k.

I'm curious as to whether data from the contaminated sediment task force was used in the assessment, and if not, why not?

Michael can answer that.

MS. DESHAZO: Yeah, Michael can probably answer that.

MR. LYONS: Michael speaking. I'm not sure what you mean by data from the task force, I guess. Do you mean your own dredging data?

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MR. JIRIK: Well, data that's been compiled as part of the CSTF efforts that might be more recent than some of the Bay Protection data that was used.

MR. LYONS: Right. I haven't used that data compilation because we haven't received that final product

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yet. Also, as Renee explained, because we are a few years behind on getting some of our tissue data, most of the data I looked at was no more recent then '98. But I didn't look at your dredge reports specifically because unless, you know, someone had submitted those and said that they should be analyzed, I would have looked at them. But I pretty much was relying upon the Bay Protection data for sediment chemistry.

MR. JIRIK: And would the same apply for, say, SCORPS BITE (phonetic) '98 data?

MR. LYONS: I did not look at the BITE '98 data because that hasn't been released. I have access to it, but it hasn't been released for public consumption yet; so, no, I did not include that.

MR. JIRIK: Thanks.

MR. YOSHIDA: Clayton Yoshida with the City of Los Angeles.

A question about the water effect ratios. I heard Jon Bishop's opinion about water effect ratios being applied to the nitrogen TMDL for L.A. River. I would like to know in general what the policy is for water effect ratios for the other pollutants.

MR. BISHOP: Is this one related to do we use any in the 303(d) listing cycle?

MR. YOSHIDA: Have you used it in the listing?

MR. BISHOP: As far as I know there are no water effect ratios completed in our region.

MR. YOSHIDA: And when those do become completed,

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will they be incorporated into the listing process?

MR. BISHOP: If a water effects ratio is completed for a reach and a pollutant, then that would be used to develop a specific objective for that region for that pollutant. It would be directly germane to both discharges and 303(d) listings because it would be a modification of criteria for toxicity. But we're not going to use those until they've actually been finalized.

MR. YOSHIDA: Would you support wording in the TMDL document for automatic application of the WDR?

MR. BISHOP: Sure. Would I support adding a water effects ratio factor into the total maximum daily loads so in case those were adopted, you could just apply that ratio without making any change to the TMDL? I'm not specifically opposed to that, but I'd have to look at the specific issue to see how far along we are, where things are happening to see if it makes sense for that TMDL.

MR. YOSHIDA: Okay.

MR. ORTON: Randall Orton. I have a question for Rod. Using Biggs criteria, there is a change in the, criteria, the old criteria within the 303(d) list. They're compatible but different standards. Have you applied Biggs criteria to other remaining reaches in Malibu Creek Watershed, and if so,

are there any changes in these reaches?
MR. COLLINS: Rod Collins with the Regional Board.
Yeah, we applied Biggs criteria to all the reaches within

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the Malibu Creek Watershed. And Cold Creek was the only new listing that we had. When looking at Malibu Creek, the only difference was that we showed an impairment in the winter as well as in the dry heat for algae.
MR. ORTON: For Cold Creek or the entire watershed?
MR. COLLINS: For Malibu Creek itself. We looked at each tributary, and those, as I recall, were the only changes based on using that criteria.
MS. DESHAZO: So essentially when we had the new data, it confirmed the existing listings except for Cold Creek which was the new listing.
MR. ORTON: If you have the Cold Creek listing as a relatively short database, have you applied the Biggs criteria to the preexisting database on the remaining parts of the tributary to confirm that they are impaired during the wintertime.
MS. DESHAZO: We did go back and look at the data that was used in the 1996 assessment, if that's what you're asking. I think that's what you're asking.
MR. ORTON: That's what I'm asking.
MS. DESHAZO: Okay. We only looked at data from July 1997 to the present. That was the period of data that we considered for this listing. So we didn't go and reevaluate. I think Jon stated earlier we didn't go back and reevaluate existing listings on the basis of the older data that we used.
MR. BISHOP: Let me try another way. If we got new data, which sounds like we did for Malibu and the

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tributaries, we applied the Biggs criteria to that data, the only change that we had was for Cold Creek. If there was an instance where we had no new data, we did not go back and reevaluate an existing listing.
MR. ORTON: Okay. So then for the other existing tributaries, there is data for the last three years or so?
MR. COLLINS: Pretty much, yeah.
MR. ORTON: Thank you.
MR. DOJIRI: Mas Dojiri, City of Los Angeles. As you know, there are, I guess, three tiers to the listing, if I'm not mistaken. One had to do with policy of areas of special biological significance of outstanding national resource plotter even though the waterbody's attaining water quality standards if it drops below a present status, that it might be listed. Were there any waterbodies listed in the L.A. region using that criterion?
MS. DESHAZO: I don't think so. We did look at the waterbody specific objectives in the basin plan that are in Table 3 of the basin plan, but no specific listings based on antidegradation.
MR. DOJIRI: They were listed because they didn't obtain water quality standards?
MS. DESHAZO: Yes.
MR. DOJIRI: Thank you.
MR. BISHOP: Just for the record, I'm going to add to that that water quality standards are based on a number

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of criteria; one is supporting the beneficial use, and

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another is antidegradation. So there may well be listings that are based solely on a water quality standard that was based on maintaining a higher level, and that level may be lower than what is needed what to support that beneficial use, but it was set to maintain existing water quality.
MS. LAMBERSON: Heather Lamberson, L-a-m-b-e-r-s-o-n, L.A. County Sanitation District. In these fact sheets you included the data assessment with the data summaries. If we need to view all the supporting data regarding a specific listing, will that be made available to us?
MS. DESHAZO: It will be. What we're planning to do – and, Jon, jump in if you need to – is to take all the data that we used in this update and probably put it on a CD ROM, and ultimately we'll submit that data up to State Board. And if it is something that you would like to look at as well, we can make that available too.
MS. LAMBERSON: So that is not something that we'll have available in time to make comments on November 29th; correct?
MS. DESHAZO: Probably not.
MR. BISHOP: That is correct, you will not. Looking at the listing, the official comments on the listing are related to the State Board. We are providing this opportunity for earlier comments so that we may be able to answer some of the issues on how we assess something. If you have questions like you made a mistake

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in your math, or you used the wrong data set or you applied this, you will have a lot of time to actually look through that data and do that between the time we can get to State Board; which will make available to everybody, and I'm sure they will be happy to hear about areas where we misapplied our criteria as opposed to areas where you have questions on the criteria.
MS. LAMBERSON: Okay. So any comments regarding like specific data should be directed towards the State Board.
MR. BISHOP: Yeah, just because we're not going to have them available for you in time, but we would be happy to take them.
MS. LAMBERSON: Okay. Thanks.
MR. BISHOP: Of course, we don't make mistakes ever.
MS. LAMBERSON: Neither do we.
MR. DOJIRI: Mas Dojiri with the City of Los Angeles. And I guess the other point is that it's not really that critical because at the public hearing, if I understood you correctly, that's an information only and not an action item that the Board needs to take. So the real action, the adoption of it, is going to be at State level anyway. So it sounds like we are going to have access to that data in time when it really counts.
MR. BISHOP: That's correct. This round of the 303(d) list is being officially adopted as a statewide

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list and not a region-by-region list as in the past. We are bringing it to our board and to this public meeting as an information and service and not as a regulatory action.

MS. FOLEY: I have a question.

How do you envision the State Board having a public hearing if people come from all over the state to make a comment on something? Will each of the regional boards have their people there so that if somebody from the central coast has a comment, I mean, how are they going to get the interplay of explanation from the local regions that did the work? I can't even envision that kind of meeting.

MR. BISHOP: I'm assuming that they're going to have a couple of days of workshop where they will invite regional board representatives to be there to help answer the questions related to each of the regional listings. They have not given us any indication on how they are going to structure the hearing for this if the State Board does any modifications to the list on their own.

MS. FOLEY: I think that I, in some form, ask that they would entertain coming to the Southland, you know, to do the Southern California regions down south. I mean, you'll probably have some input. They'll probably ask you, you know, "Do you have any suggestions as to how to run this?" You might want to have a Southern California workshop and then have some blocks of time for each region, so it's not all over the map.

MR. BISHOP: I think that's a great idea. I think

that San Diego for a week or so in February would be a really good time for us to do this.

MS. FOLEY: I'll write a comment.

MR. BISHOP: No. I think that makes a lot of sense. They haven't actually asked our opinion at this point. I'm not sure if they actually decided how they are going to run that shop.

MR. YOSHIDA: Clayton Yoshida, City of Los Angeles. I notice that you have some impairments based on dissolved metals. And I was wondering if that's based on dissolved metals as tested, or was there some results that you used from total analysis and then you applied a factor to determine what the dissolved concentration would be and then determined whether or not it was impaired?

MS. DESHAZO: I think – and other people jump in if you need to – but I'm pretty sure in all cases we actually used dissolved measurements so that the actual dissolve that was given to us was in the dissolved form. Does anybody need to correct me on that?

MR. COLLINS: There was an instance in the San Gabriel watershed when we only had total copper data, and then we applied a factor to get it dissolved.

MS. DESHAZO: Okay. Did anybody have a situation like that that I should know? So that may have been the only one.

MR. YOSHIDA: Clayton Yoshida with the City of Los Angeles. I believe they only submitted a total. I could be wrong, but that's my belief.

MS. DESHAZO: Okay. Well, we can check into that.

MR. YOSHIDA: Okay. Thanks.

NOTES

MS. BAX: Will that be in the CD ROM? Will it be included that you were taking total data and applying a factor?

MR. COLLINS: I can make sure that it's included.

MR. BISHOP: I think it might be helpful. It seems like at least a number of people here are going to want to take a look at that CD ROM when we produce it with the data set. The way that we organized the data was all the data that was submitted, the data that we were be able to enter into our system or samples that we collected – this is water chemistry to start with – was then split into watersheds; and each of those watersheds was then split into specific reaches and then assessed against the different criteria by those reaches. So the data sets that you have will be broken down by waterbody and watershed for the water chemistry that is a little less specific for the sediment in the toxicity; because they're not big data sets of, you know, hundreds of thousands of points for each waterbody. They are smaller, and we can handle them a little easier.

MR. DOJIRI: Mas Dojiri, City of Los Angeles. This is my last question. So you have to bear with me on this one.

I have a question about the threatened waterbodies. In a Regional Board presentation – I believe it was October 16th of this year – you didn't

have threatened waterbodies listed as something we would be looking at in the listing. Was that an inadvertent error on your part or omission, I guess; and if so or if not, whatever, are there any waterbodies in the Los Angeles area that are listed because of threatened – because, you know, there is a huge issue on that. There's a lot of controversy on listing threatened waters.

MS. DESHAZO: I'd have to go back and look at the SCALP presentation to actually see how I presented that, but we do have some listings for fully supporting but threatened waterbodies. I think it's only in the case of waterbodies that are designated as MUN. And specifically if you remember in my presentation, I indicated that for MUN beneficial use if the criteria was exceeded in more than 10 percent of samples, we listed it as fully supporting but threatened. And it was considered partially supporting if the contaminants exceeded the median value. So we used a slightly different approach for the MUN, and that was based on taking EPA 305(b) guidance and interpreting it somewhat. They don't have very clear guidelines as they do for some others for the drinking water use. So, again, we have a lot of waterbodies that are designated as potential, and we felt like this was an appropriate way to look at those. As I mentioned in my presentation, fully supporting but threatened is still considered impaired per 305(b) and

303D.

MR. MC GOWEN: Gerald McGowen, City of Los Angeles. The list will be adopted at the state level

and not here. And what we have now are our draft documents. Will we be receiving the final proposal from the Regional Board or from the State, and will we be receiving those, you know, how much in advance? Will it be sort of like this, you know, at the actual hearing, or will we have 30 days or something like that to review them?

MR. BISHOP: You will receive the official list that the State Board is going to adopt from the State Board. We are making recommendations to State Board staff on what we believe are new impairments and impairments that should be removed from the 303(d) list. And we're doing a 305(b) water quality assessment of all our waters. That is our recommendation. They may make modifications to that, so I wouldn't count on anything coming out of our staff as being final.

When we make it available to State Board as soon as we can get it finalized, we will make it available to anyone who wants a copy of the data and the final sheets. The changes on the sheets are essentially now at this point correct in typos and making sure there aren't any things that were applied to the wrong – you know, cut and pasted in the wrong place. But the listings that we're proposing are pretty firm at this point.

Unless anyone wants a couple more minutes,

I suggest –

MR. JIRIK: Andrew Jirik, Port of Los Angeles. I notice that in at least a couple of cases, there are data that are from '93 to '96, let's say, that I would think would have been available for the '98 listing. And in these couple of cases, I don't see any more recent data. My question is, if those data were available for the '98 consideration, why weren't those impairments noticed then? Or maybe I'm just missing something out of the process.

MS. DESHAZO: Well, let me make one point about the 1998 water quality assessment. When we did the assessment in 1998, it was a targeted assessment. We didn't look at the whole region. It was focused primarily on Calleguas Creek and Santa Clara Watershed.

So there in the '98 assessment that data may have been available, but it wasn't looked at because we focused on a subset of the watershed, so the last comprehensive region-wide assessment that we had done was in the 1996. And it could be – and, Michael, you might be able to respond to some of this – it could be that some of that data might not have gone through the QAQC procedures in time to be included in the 1996 assessment which was really being prepared in 1995. So if you back up, that's probably the explanation.

MR. LYONS: Yeah, I think, Andrew, that's pretty much what happened. What I try to do is look at the background information from the 1996 assessment. In most

cases that's data through '93 or '94. But if I saw something that didn't appear there, I went ahead and added it into this assessment. So sometimes the data fluctuate. If I couldn't explain why something was assessed before, I went ahead and included it in this.

MR. JIRIK: Thanks.

MS. BAX: In that court case that Mas brought up earlier, that they thought I brought up, if the remand becomes clear and you can go back to using potential MUN language that you used before EPA's decision, were you saying that you would then take out listings that were based strictly on CTR limits?

MR. BISHOP: There are no listings based on CTR for MUN. We did not use the MUN, CTR levels in the assessment.

MS. DESHAZO: It's only aquatic life that's based on CTR.

MS. BAX: Okay. Thanks.

MR. BISHOP: I assume that if that court case was determined that – if the final analysis in the next two years is that CTR, MUN applies, then we would take and apply the data at that point.

MS. BAX: So for now for MUN, for potential MUN, you're just applying primary MCL?

MR. BISHOP: That's correct.

Well, I'd like to thank everyone for taking the time this afternoon to join us. Look at our fact sheets. As I said, we will be having a public hearing no

earlier than 1:00 o'clock on the 29th.

MS. BAX: It says 1:30 on your website.

MR. BISHOP: No earlier than 1:30 on the 29th.

MR. DOJIRI: Is that here?

MR. BISHOP: I do believe that's in Pasadena.

MS. DESHAZO: Actually, no, I meant to make this announcement. The location has been changed, and the latest I've heard that it's here, not in Pasadena.

(Meeting concluded at 3:04 p.m.)

NOTES

Look-See Concordance Report

UNIQUE WORDS: **1,200**
TOTAL OCCURRENCES: **4,171**
NOISE WORDS: **384**
TOTAL WORDS IN FILE: **11,132**

SINGLE FILE CONCORDANCE

CASE SENSITIVE

COVER PAGES = 4

INCLUDES ALL TEXT OCCURRENCES

DATES **ON**

INCLUDES PURE NUMBERS

POSSESSIVE FORMS **ON**

– DATES –

– 1 –

– 2 –

– 3 –

– 4 –

– 5 –

– 9 –

– A –

– B –

– C –

– D –

– E –

– F –

– G –

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