



# California Regional Water Quality Control Board

## Lahontan Region



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### **TRANSMITTAL OF PROPOSED ORDER AND RESPONSE TO COMMENTS ON TENTATIVE REQUIREMENTS – WATER QUALITY CERTIFICATION, WASTE DISCHARGE REQUIREMENTS, AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER, LOWER OWENS RIVER PROJECT, INYO COUNTY**

The Regional Water Board received comments from you on behalf of several tribes in the Owens Valley on June 6, 2005, concerning the above-cited tentative Order. Unless otherwise noted, comments and responses are with regard to the tentative Order released for public review on May 6, 2005. In general, the comments are in concurrence with the tentative Order.

**Alabama Release Mitigation Measure.** You commented favorably on the requirement for releasing a 200 cfs flushing flow from the Alabama Spillgate to the Lower Owens River for a minimum period of 72 hours, 30 days following the first Winter Habitat Flow. However, in response to objections from LADWP we have modified the requirement, as follows.

Regional Water Board staff has developed an alternative flushing flow release regime from the Alabama Spillgate that will result in a very significant reduction in the amount of water used while achieving similar water quality effects. Briefly, the Order has been revised to require augmenting the first Winter Habitat Flow with releases from the Alabama Spillgate to achieve a 200 cfs flow rate at the Alabama Gate for a minimum period of 96 hours. The details of the revised release regime and technical rationale are explained in revised Attachment H. Augmenting the first Winter Habitat Flow, rather than requiring an entirely separate flow event, eliminates water lost from gradually increasing to, and decreasing from, peak flows (ramping), while increasing the flushing time at peak flow to move water through the river and Delta. The ramping flows associated with a separate release are not needed for the purpose of flushing, and increase the amount of water that will not be recovered substantially.

The net volume of water that would be released as a result of this requirement (and associated impact to the City's water supply) is within the scope of the project approved by the LADWP Board of Water and Power Commissioners. Using the release estimates for the 200 cfs Seasonal/Winter Habitat Flows, we estimated approximately 1400 acre-feet of water would be delivered to the River below the Pump Station. We have conservatively estimated that with channel losses to the Alabama Gate of up to 25% of River Intake releases during the 200-cfs Seasonal/Winter Habitat Flow, the additional water needed to maintain a 96-hour, 200 cfs flow amounts to roughly 700 acre-feet, or half the water losses approved for the scheduled 2006-2007 Seasonal/Winter Habitat Flow that was to occur, but will not occur due to project delays. Actual water losses due to the Alabama Release are expected to be less than estimated above.

In granting an exemption to Basin Plan prohibitions for the Lower Owens River the Regional Water Board must find, in part, that “[a]ll applicable . . . mitigation measures have been

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incorporated into the project to minimize . . . potential adverse environmental impacts . . .” (Fact Sheet, p. F-19). We will therefore recommend revised flushing requirements as described in the proposed Order (see revised Order Attachment H). In addition, we have made other changes to the Order related to these matters: We have added a new section to the proposed Order. Under Special Provisions, Order Section VI.C., we’ve added No. 8, Prohibition Exemption and California Environmental Quality Act Requirements. We have moved WQC conditions in tentative Order sections VI.C.7.b.6 and 8 to this new section, and have added a condition that if LADWP does not implement the Alabama Release mitigation measure as required in the proposed Order, the exemption to discharge prohibitions for the Lower Owens River granted in Order Section III.B. is rescinded. The pertinent sections of the Fact Sheet have also been updated accordingly.

**Request for Ongoing Monitoring of Seasonal Habitat Flow Releases.** You asked the Regional Water Board to require daily monitoring by LADWP during the annual Seasonal Habitat Flows on an ongoing basis. We have not included this requirement in the proposed Order. We have required monitoring of the first three such flows, on a modified “\*daily\*” frequency (see proposed Monitoring and Reporting Program Section IX.C.), and will evaluate the information obtained to determine whether additional intensive monitoring is warranted. The Executive Officer may require additional monitoring of these flows by the Discharger pursuant to California Water Code Section 13267 if the benefits to be obtained justify the associated costs. Ongoing water quality monitoring is required monthly at four separate locations in the Lower Owens River until the Regional Water Board determines the discharge no longer poses a threat to water quality.

Other changes and additions in the proposed Order have been incorporated in response to comments from the Discharger and from internal review. The proposed Order improves on the strong protections for water quality in the tentative Order. Thank you for your comments.

You may contact Lauri Kemper, at (530) 542-5436, or me at (530) 542-5430, if you should have any questions concerning the responses or wish to discuss the proposed Order that will be presented to the Regional Board for adoption at the public hearing scheduled for June 14, 2005 in Bishop.

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Attachment: Proposed Order