

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

RESOLUTION NO. 2002-011
April 25, 2002

Amendment to the *Water Quality Control Plan for the Los Angeles Region* to Update the Ammonia Objectives for Inland Surface Waters (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 supporting aquatic life. These objectives 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, with the exception of enclosed bays and estuaries *not* characteristic of freshwater as described in the amendment, supporting aquatic life to include:
 - (A) Greater recognition of the temperature dependence of the chronic objective, especially at low temperatures.
 - (B) An Early Life Stage (ELS) chronic objective.
 - (C) A 30-day averaging period for the chronic objective instead of a 4-day averaging period.

In addition:

 - (A) The acute objective is no longer temperature dependent.
 - (B) The chronic objective is no longer dependent on the fish species present.
5. For enclosed bays and estuaries *not* characteristic of freshwater, the existing ammonia objectives contained in the 1994 Basin Plan shall remain in effect until the Regional Board determines the most appropriate objectives for these water bodies.
6. The Regional Board recognizes that the existing Basin Plan includes a provision that required compliance with existing Basin Plan ammonia objectives by June 13, 2002. While the amendment removes the 8-year compliance provision, it does so in recognition that the revised objectives are no more stringent, and in fact generally are less stringent, than the existing objectives. The removal of the 8-year compliance language will not result in an impact to dischargers because the Basin Plan amendment will not take effect, given the need for State Board, Office of Administrative Law, and US EPA review and approval, until after the expiration of the 8-year compliance language.

7. The amendment will revise Chapter 3 "Water Quality Objectives" of the Basin Plan and include implementation language.
8. The proposed amendment is based on acute and chronic toxicity data published since 1985.
9. Specifically, as a result of these revisions, the acute objective for ammonia is now dependent on pH and fish species, and the chronic objective is dependent on pH and temperature. At lower temperatures, the chronic objective is also dependent on the presence or absence of early life stages of fish (ELS).
10. For the cold water acute objective, the new objective is higher than the old objective except in the pH range of 7.25-8.25 where the temperature is between 0 and 15 degrees Celsius or 32 to 59 degrees Fahrenheit. For the warm water acute objective, the new objective is higher at all temperature and pH values.
11. The new chronic objectives for ammonia are higher than the objectives currently in the Basin Plan in all cases.
12. 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.
13. Water bodies with a Basin Plan designation of "SPWN" support high quality aquatic habitats suitable for reproduction and early development of fish and, therefore, these water bodies are designated as Early Life Stage (ELS) present waters.
14. Where threatened or endangered species are present, the amendment requires that more stringent, site-specific modifications of the objectives be performed.
15. 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.
16. The Regional Board has considered the costs of implementing the amendment, and other factors, as required by the California Water Code, section 13241.
17. The proposed amendment results in no or *de minimis* potential for adverse effect, either individually or cumulatively, on wildlife.
18. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
19. 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).

20. 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.).
21. Regional Board staff prepared a staff report dated February 4, 2002, 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.
22. Regional Board staff prepared a revised staff report and amendment language in response to public comments on the February 4, 2002 notice, and sent the staff report to all known interested persons on March 22, 2002 to allow an additional 30-day comment period on the revisions in advance of the public hearing.
23. The Regional Board held a public hearing on April 25, 2002, 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.
24. At the April 25, 2002, Board meeting, the Regional Board narrowed the scope of the March 22, 2002, proposed action, so that the updated ammonia objectives would not apply to enclosed bays and estuaries that are *not* characteristic of freshwater. The April 25, 2002, narrowing provided that existing ammonia objectives would remain in effect for enclosed bays and estuaries that are *not* characteristic of freshwater.
25. In addition, the Regional Board directed staff to conduct further study of two related issues. The first issue is a review of the ammonia objectives for enclosed bays and estuaries that are *not* characteristic of freshwater, and the second issue is an evaluation of soft-bottom aquatic habitats to assess their suitability for early life stage (ELS) fish. If warranted, based upon further review, a Basin Plan amendment addressing these issues is to be presented for the Regional Board's consideration within one year after this action.
26. 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

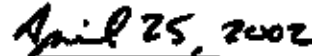
1. Pursuant to sections 13240 and 13241 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Water Quality Control Plan for the Los Angeles Region, to amend the water quality objective for ammonia in inland surface waters (including enclosed bays, estuaries and wetlands) as set forth in Attachment A.
2. The Regional Board staff shall convene a technical advisory group to further investigate the most appropriate ways to identify ELS-present waterbodies and shall present the findings of this group to the Regional Board within one year after Regional Board adoption of this resolution.

3. The Regional Board shall bring another Basin Plan amendment before the Regional Board within one year after the adoption of this resolution to update the ammonia objectives for inland surface waters (i.e., enclosed bays and estuaries) that are *not* characteristic of freshwater.
4. 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.
5. 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.
6. 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.
7. 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 April 25, 2002.



Dennis A. Dickerson
Executive Officer



Date