

STATE WATER RESOURCES CONTROL BOARD

RESOLUTION NO. 94-89

(As Revised November 17, 1994)

APPROVAL OF A REVISED WATER QUALITY CONTROL PLAN FOR THE  
LOS ANGELES REGION--SANTA CLARA AND LOS ANGELES RIVER BASINS

WHEREAS:

1. The California Regional Water Quality Control Board, Los Angeles Region (RWQCB) adopted the Water Quality Control Plans (Basin Plan) for the Santa Clara River Basin (4A) and Los Angeles River Basin (4B) on March 7, 1975.
2. Section 303(c) of the federal Clean Water Act requires that water quality standards be reviewed and revised, if appropriate, at least every three years (Triennial Review); and Section 13240 of the California Water Code provides that Basin Plans be periodically reviewed and may be revised.
3. The RWQCB adopted the most recent Triennial Review List for the Los Angeles Region on July 25, 1988. The high priority issues from this list formed the basis for initiating a comprehensive update of the Basin Plan.
4. The RWQCB held public workshops on January 31 and February 3, 1994, a staff-level workshop on February 14, 1994, and a public hearing on June 13, 1994 to ensure full public participation in the Basin Plan adoption process.
5. On June 13, 1994, the RWQCB adopted the revised Basin Plan under RWQCB Resolution No. 94-007 (Attachment 1).
6. The RWQCB prepared documents and followed procedures satisfying environmental documentation requirements in accordance with Public Resources Code Section 21000 et seq. and other State laws and regulations.
7. The SWRCB will work with the Department of Fish and Game to ensure that threatened or endangered species are protected, pursuant to Fish and Game Code Section 2055.
8. Basin Plan revisions/amendments do not become effective until approved by the State Water Resource Control Board (SWRCB) and until regulatory provisions are approved by the Office of Administrative Law (OAL).

THEREFORE BE IT RESOLVED:

The SWRCB:

1. Approves the revised Basin Plan adopted by RWQCB Resolution No. 94-007 on June 13, 1994 with the understanding that:

- a. The RWQCB shall continue to implement provisions of existing State and federal laws regarding the discharge of toxic pollutants. In particular, the RWQCB shall issue National Pollutant Discharge Elimination System permits in compliance with the Porter-Cologne Water Quality Control Act and applicable State and federal regulations, including, but not limited to, 40 CFR, Section 122.44(d).
  - b. Within three years after DFG notifies the RWQCB that specific water bodies support threatened or endangered species and that scientific evidence indicates that certain existing water quality objectives for these water bodies do not adequately protect such species, the RWQCB shall determine, in consultation with DFG, whether these objectives are adequately protective. In cases where such existing objectives do not provide adequate protection for threatened and endangered species, the RWQCB shall develop and adopt adequately protective site-specific objectives for these constituents.
2. Authorizes staff to forward the approved amendments to the U.S. Environmental Protection Agency and the regulatory provisions to OAL for approval.

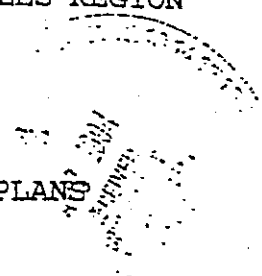
#### CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 17, 1994.

  
Maureen Marché  
Administrative Assistant to the Board

State of California  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

## RESOLUTION No. 94-007

ADOPTION OF AN UPDATE OF THE WATER QUALITY CONTROL PLANS  
FOR THE LOS ANGELES REGION

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

1. Water Quality Control Plans (Basin Plans) provide the framework for the Regional Board's water quality control programs. The Water Quality Control Plan for the Santa Clara River Basin (4A) and the Water Quality Control Plan for the Los Angeles River Basin (4B) were adopted by the Regional Board in March 1975. These two documents, which together comprise the Basin Plans for the Los Angeles Region, were amended in 1978, 1989, 1990, and 1991.
2. The California Water Code, Section 13240, requires that Regional Basin Plans conform to state policies for water quality control, and be periodically reviewed and revised.
3. The State Board identified the need for comprehensive updates of all Regional Board Basin Plans statewide and provided funding for a variety of studies to facilitate the process.
4. Pursuant to both federal and state requirements for review of the Basin Plans and identification of high priority issues for future updates, the Regional Board adopted the most recent Triennial Review List (priority list of planning issues) for the Los Angeles Region on July 25, 1988. These high priority issues formed the basis for initiating a comprehensive update of the Basin Plans in this Region.
5. Regional Board staff prepared an update to the Regional Basin Plans based on the Board's priority issues.
6. The first draft of the updated Basin Plan was distributed to the Regional Board's Technical Review Committee on December 15, 1993, and to the public on December 23, 1993. Formal public workshops were held on January 31 and February 3, 1994. An informal staff-level series of workshops on specific issues was held on February 14, 1994.
7. All written and oral comments, along with staff responses, were summarized in a Responsiveness Summary, dated April 28, 1994. As appropriate, these comments were incorporated into the second draft of the updated Basin Plan, dated April 28, 1994.

UPDATE OF THE WATER QUALITY CONTROL PLANS  
Page 2

8. The second draft of the updated Basin Plan, along with the Staff Report, Responsiveness Summary, California Environmental Quality Act (CEQA) documentation, Notice of Public Hearing to be held on June 13, 1994, and Notice of Filing was sent out to the public on April 28, 1994.
9. Items that were brought to the attention of the Regional Board that required additional review and investigation and were not included in this update of the Basin Plans are being placed on the next Triennial Review List.
10. The Basin Planning process has been certified as a functional equivalent under the California Environmental Quality Act, pursuant to Sections 15251(g), Title 14, California Code of Regulations.
11. The Regional Board followed appropriate procedures and prepared an environmental checklist evaluating the environmental impacts and alternatives in complying with Public Resources Code Section 21000 et. seq. and found no significant adverse environmental impacts resulting from implementation of the proposed update of the Basin Plans.
12. Regional Board staff consulted with Fish and Game regarding potential impacts of proposed Basin Plan revisions on fish and wildlife resources and threatened and endangered plant and animal species. The Draft Basin Plan has been revised in response to comments by the Department of Fish and Game.
13. Due notice of the public hearing was given by advertising in newspapers of general circulation in the Region.
14. In a Public Hearing held on June 13, 1994, the Regional Board heard and considered all comments pertaining to the draft update of the Basin Plans and to the tentative Resolution.
15. Before becoming effective, the update to the Basin Plans must be approved by the State Water Resources Control Board and the Office of Administrative Law.

THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board hereby adopts the proposed update of the Basin Plans dated April 28, 1994, and subsequent change sheets, and directs staff to begin its implementation upon statutory and regulatory approval.

UPDATE OF THE WATER QUALITY CONTROL PLANS

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2. The Regional Board requests that the State Water Resources Control Board approve the proposed update of the Basin Plans.
3. Upon approval, the Regional Board requests that the State Water Resources Control Board transmit the update of the Basin Plans to the Office of Administrative Law and the U.S. Environmental Protection Agency for their approvals.

I, Robert P. Ghirelli, 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 June 13, 1994.

Robert P. Ghirelli

ROBERT P. GHIRELLI, D.Env.  
Executive Officer

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June 10, 1994

SENT BY FAX (213) 266-7600  
AND REGULAR MAIL

Deborah J. Smith, Chief  
Basin Planning Unit  
California Regional Water Quality  
Control Board  
Los Angeles Region  
101 Centre Plaza Drive  
Monterey Park, CA 91754-2156

QUALITY CONTROL BOARD  
LOS ANGELES REGION  
54 JUN 13 PM 12:05

Re: Comments of Southern Pacific Transportation  
Company on the Draft Updated Water Quality Control  
Plan for the Los Angeles Region

Dear Ms. Smith:

This letter provides the comments of Southern Pacific Transportation Company ("SPTCo") on the Draft Updated Water Quality Control Plan for the Los Angeles Region ("Draft Basin Plan") issued for public review by the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board"). SPTCo's comments are based on the April 28, 1994, version of the Draft Basin Plan.

I. ELIMINATE ALL PROPOSED BENEFICIAL USE DESIGNATIONS BASED ON  
THE INVALIDATED SOURCES OF DRINKING WATER POLICY

The Draft Basin Plan would designate all inland surface waters and groundwaters as Municipal and Domestic Supply ("MUN"). The Regional Board proposes designating all such waters as MUN to implement State Water Resources Control Board ("State Board") Resolution 88-63, Sources of Drinking Water (the "Sources of Drinking Water Policy")." Draft Basin Plan, at 2-3.

Ms. Deborah J. Smith  
June 10, 1994  
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Because the Office of Administrative Law ("OAL") invalidated the Sources of Drinking Water Policy in 1989, SPTCo requests that the Regional Board eliminate all references to this illegally promulgated State Board policy from the Draft Basin Plan.<sup>1</sup> In addition, SPTCo requests that the Regional Board remove the MUN beneficial use designation from all waterbodies, groundwater basins, and coastal features in Tables 2-1, 2-2, and 2-3, respectively, where such designation has been proposed "based on State Board Resolution 88-63." See Tables 2-1 and 2-3 (explanation of MUN designations shown with an asterisk).

OAL invalidated the Sources of Drinking Water Policy because the State Board had failed to comply with the rulemaking provisions of the Administrative Procedures Act ("APA"). Moreover, OAL held that the Sources of Drinking Water Policy was a "regulation" because it implements, interprets, and makes specific statutory law that governs water quality.

OAL expressly found that the provisions of the Sources of Drinking Water Policy (except for the "Whereas" provisions):

- (1) are regulations as defined in Government Code § 11342(b);
- (2) are subject to the requirements of the APA; have not been adopted pursuant to the requirements of the APA; and
- (3) therefore violate Government Code § 11347.5(a).<sup>2</sup>

Government Code § 11347.5(a) provides that no state agency, including the State Board and the Regional Board, shall utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in Government Code § 11342(b), unless such rule has been adopted as a regulation pursuant to the APA.

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<sup>1</sup> 1989 OAL Determination No. 8, In re: Request for Regulatory Determination filed by Blackwell Land Company, Inc., concerning the State Board's Resolution No. 88-63, "Sources of Drinking Water" (Docket No. 88-010), Register 89, No. 22-Z (May 17, 1989) at 1585 (hereafter "OAL Determination on Sources of Drinking Water Policy").

<sup>2</sup> OAL Determination on Sources of Drinking Water Policy, at 1586, 1603.

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Thus, once OAL determined that the Sources of Drinking Water Policy was a regulation as defined by Government Code § 11342(b), the Regional Board was prohibited by Government Code § 11347.5(a) from continuing to use or enforce it. Moreover, OAL's regulatory determination became final when the State Board failed to seek judicial review. Gov't Code § 11347.5(d).

SPTCo recognizes that Assembly Bill ("AB") 3359, enacted in 1992, added a number of new provisions to the APA pertaining to actions by the State Board and the Regional Board. In particular, with limited exceptions, AB 3359 exempted from the APA existing state policies for water quality control and existing water quality control plans. Gov't Code § 11353. However, AB 3359 was enacted more than three years after the OAL's decision invalidating the Sources of Drinking Water Policy. There is no indication in the language or legislative history of AB 3359 that it was meant to apply retroactively to reinstate previously invalidated State Board policies. Therefore, SPTCo submits that the Regional Board has no authority to designate inland surface waters and groundwaters as MUN in the Draft Basin Plan based on the Sources of Drinking Water Policy.

Proposed beneficial use designations based on the Sources of Drinking Water Policy should also be eliminated from the Draft Basin Plan because the subject policy would impermissibly enlarge the scope of water quality regulation authorized under the Porter-Cologne Water Quality Control Act. The Water Code provides for the protection of "past, present, and probable future beneficial uses." Water Code § 13241 (emphasis added).<sup>3</sup> However, the Sources of Drinking Water Policy sought to direct the Regional Board to designate "municipal water supply" as a beneficial use of any water body "suitable, or potentially suitable," as a source of drinking water (emphasis added). In other words, under the Sources of Drinking Water Policy beneficial use designations, such as those proposed by the Regional Board in the Draft Basin Plan, would improperly identify a water body as a source of drinking water based on the potential, rather than actual or probable, use of such water.

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<sup>3</sup> See also Health & Safety Code § 25356.1(c)(3) (requiring that remedial action plans be based on consideration of, among other factors, the effect of alternative remedial measures "on the reasonable availability of groundwater resources for present, future, and probable beneficial uses").



Ms. Deborah J. Smith  
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Webster's New Collegiate Dictionary defines "probable" to mean "likely to be or become true or real." Thus, the "probable" standard suggests a likelihood, based on human conduct, that the sources will actually be used for drinking water in the reasonably foreseeable future. In contrast, "potential" is defined as "existing in possibility; capable of development into actuality." The "potentially suitable" standard relates only to the physical condition of the water totally apart from the likelihood that human conduct will ever cause it to be used for drinking. In short, the term "potential beneficial use" is considerably broader than the term "probable beneficial use."

The Sources of Drinking Water Policy would enlarge the scope of water quality regulation authorized under the Water Code by directing that beneficial uses be designated based on the "potential," rather than "probable," use of waters. However, administrative regulations that alter or amend the governing statute or enlarge its scope are void.<sup>4</sup> Therefore, the Regional Board should eliminate all proposed beneficial use designations which are based on the invalidated Sources of Drinking Water Policy.

II. ELIMINATE ALL REFERENCES TO "POTENTIAL BENEFICIAL USES"  
FROM THE DRAFT BASIN PLAN

The Draft Basin Plan states that beneficial uses can be designated as "potential uses." Draft Basin Plan, at 2-1. However, under Water Code § 13050(j), a water quality control plan is to consist of a designation of "[b]eneficial uses to be protected." Similarly, under EPA regulations, each state must designate existing water uses to be protected and those uses "to be achieved." 40 C.F.R. § 131.10(a). Thus, designated beneficial uses may include both present uses and those uses the Regional Board identifies as water quality goals to be achieved in the future. Neither EPA's regulations nor the Water Code authorize the Regional board to designate "potential beneficial uses" based on a theoretical, potential future use of water.

For these reasons, and the reasons presented above in the preceding comments on the Sources of Drinking Water Policy,

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<sup>4</sup> See, e.g., Ontario Community Foundations, Inc. v. State Board of Equalization, 35 Cal. 3d 811-17 (1984); Woods v. Superior Court, 28 Cal. 3d 668, 679 (1981).

MORTHOLE & ZEPPETELLO

Ms. Deborah J. Smith  
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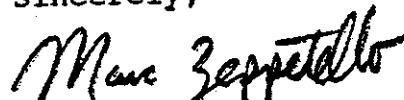
SPTCo requests that the Regional Board eliminate all references in the Draft Basin Plan to "potential" beneficial uses. In particular, SPTCo requests that the Regional Board eliminate all beneficial uses designations in Tables 2-1, 2-2, 2-3, and 2-4 that are proposed as "potential" beneficial uses.

If the term "potential beneficial use" is not eliminated from the Draft Basin Plan, SPTCo respectfully requests that the Regional Board provide a reference to the statutory authority relied upon to designate potential beneficial uses. In addition, SPTCo requests that the Regional Board include a definition of "potential beneficial use" in the Draft Basin Plan.

Conclusion

On behalf of Southern Pacific Transportation Company, thank you for this opportunity to provide comments on the Regional Board's Draft Basin Plan. Please contact me if you have any questions concerning these comments.

Sincerely,

  
Marc A. Zeppetello

## STATE WATER RESOURCES CONTROL BOARD

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AUG 19 1994



Mr. Marc A. Zeppetello  
 Morthole & Zeppetello  
 100 Broadway, Third Floor  
 San Francisco, CA 94113

YOUR JUNE 10, 1994 LETTER TO DEBORAH J. SMITH, LOS ANGELES  
 REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)

Deborah J. Smith, Chief of the Basin Planning Unit for the RWQCB has requested that I, as the RWQCB's counsel, respond to two comments set forth in your letter of June 10, 1994 regarding the draft Water Quality Control Plan for the Los Angeles Region. The comments may be paraphrased as follows:

1. The Office of Administrative Law (OAL) invalidated the State Water Resources Control Board's (SWRCB) Sources of Drinking Water Policy, Resolution No. 88-63 (the Policy, herein) in 1989, and therefore, all references to the Policy in the RWQCB's current draft Revised Water Quality Control Plan must be deleted.
2. All references to "potential" beneficial uses, as opposed to probable beneficial uses should be deleted from the draft Basin Plan, as there is no statutory authority to support RWQCB protection of "potential" beneficial uses.

Sources of Drinking Water Policy

I disagree with your argument that the OAL's determination effectively nullified the Policy for all purposes. To the contrary, the Policy was "grandfathered" into law, as follows. Government Code Section 11353 became effective on June 1, 1992. It provides, in part:

"(b) (1) any policy, plan, or guideline, or any revision thereof, that the State Water Resources Control Board has adopted or that a court determines is subject to this part, after June 1, 1992 shall be submitted to this office."

This provision, which is part of the Administrative Procedure Act (APA), requires the submission to the OAL of any policy that

AUG 19 1994

(1) the SWRCB seeks to adopt or amend after June 1, 1992, or (2) a court determines is subject to this provision. The OAL's determination that the Policy constitutes a "regulation" and, therefore, must be promulgated pursuant to the APA was merely an advisory opinion.<sup>1</sup> Since no one took the OAL opinion to the court level, no court has ever ruled that the Policy is subject to the APA. Therefore, as a policy adopted before the Section 11353 cutoff date, the Policy remains in full force and effect.

Even if it were successfully argued that it didn't, the version of the Policy which was adopted into the RWQCB's Water Quality Control Plan is indisputably legally effective, since it has not been subjected to an OAL challenge. Accordingly, references in the RWQCB's proposed Water Quality Control Plan to the Policy are appropriate, and need not be deleted.

Finally, it is noteworthy that, as of this date, the OAL has itself already approved Water Quality Control Plan revisions of at least two other regional boards, which, like that of the RWQCB, contain numerous references to the Policy.

#### Probable Versus Potential Beneficial Uses.

Your letter argues that the Water Code authorizes only the designation of: probable beneficial uses, not potential beneficial uses in the Water Quality Control Plan. I disagree with this assertion. The argument focuses very narrowly on a Water Code provision which lists some of the factors that a regional water board must consider in establishing water quality objectives. However, when read in context, it is clear that the provision is not intended to be as restrictive as your letter asserts. Water Code Section 13241 provides in relevant part:

"Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include, but not necessarily be limited to, all of the following:

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<sup>1</sup> The SWRCB promulgated its Policy following due notice to the public, a full evidentiary hearing, and response to comments. This procedure is similar to the APA procedure. The only element that is left out is review of the Policy by the OAL itself.

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(a) Past, present, and probable future beneficial uses of water.

\* \* \* (emphasis supplied.)"

Adding to the full context in which the SWRCB and RWQCBs must act to protect water quality is Section 13000, the Legislative Policy Statement, which provides in part:

"The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.

\* \* \* (emphasis supplied.)"

Further, Section 13142.5 provides, concerning the coastal marine environment, in part:

"In addition to any other policies established pursuant to this division, the policies of the state with respect to water quality as it relates to the coastal marine environment are that:

(a) Waste water discharges shall be treated to protect present and future beneficial uses, and, where feasible, to restore past beneficial uses of the receiving waters.

\* \* \* (emphasis supplied.)"

Additionally, Section 13263 provides, regarding issuance of permits, in part:

"(a) The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change therein....

(b) A regional board, in prescribing requirements, need not authorize the utilization of the full waste assimilation capacities of the receiving waters."

When read together, it becomes clear that the legislation provides generally that "future" uses must be protected. There is no evidence of a legislative intent to restrict the SWRCB and RWQCBs' protection of beneficial uses to solely probable beneficial uses. No such effect appears in the relevant provisions. In defining the range of "future" uses, the Boards

Mr. Marc A. Zeppetello

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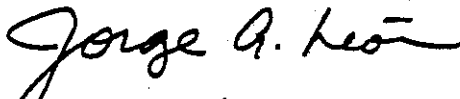
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are clearly authorized to assume a conservative approach which includes not only probable uses but potential uses. Indeed, the SWRCB's Drinking Water Policy was intended to establish this conservative approach as the SWRCB's policy to protect the broader range of future uses. A lesser approach would lead, inevitably, to the sacrifice of many future uses of the state's waters.

As shown herein, the Water Code clearly authorizes the SWRCB and the regional water boards to utilize a framework which includes potential uses as future uses, and the SWRCB Board has adopted such a framework. For these reasons, the RWQCB's Water Quality Control Plan properly includes potential as well as probable beneficial uses.

A copy of this letter is being submitted, on behalf of the RWQCB, to the SWRCB for consideration along with your letter. If you would like to discuss these issues further, please do not hesitate to contact me at (916) 657-2428.

Sincerely,



Jorge A. León:  
Staff Counsel

cc: John Ladd, Chief, ✓  
Planning Unit, SWRCB

Robert P. Ghirelli, Executive Officer  
Debbie J. Smith, Chief Planning Unit  
Los Angeles Regional Water Board  
101 Centre Plaza Drive  
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Control to JTD  
✓ Control T753  
Date 7/29/94

Attachment 4

## WORLDPORT LA

Richard J. Riordan, Mayor, City of Los Angeles  
Board of Harbor Commissioners  
Frank M. Sanchez, Ph.D., President  
Lee M. Anderson, Vice President  
Steven L. Soboroff  
Carol L. Rowan  
Gertrude Schwab  
Peter Mandia, Secretary  
Ezunial Burts  
Executive Director

July 7, 1994

State Water Resources Control Board  
901 P Street  
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RECEIVED

JUL 12 1994  
7/13 JSGP ✓  
EXECUTIVE OFFICE  
DC/JTD

Ladies & Gentlemen:

SUBJECT: DRAFT WATER QUALITY PLAN; LOS ANGELES REGION (4); SANTA CLARA RIVER AND LOS ANGELES RIVER BASINS

The purpose of this letter is to provide you our comments on the subject plan since we were not afforded the opportunity to do so by the Regional Water Quality Control Board, Los Angeles Region (Regional Board). The Regional Board published the Draft Basin Plan for public review on December 29, 1993 with comment closure on January 31, 1994. We were not provided a copy of the plan for our review and comment even though we regularly receive notice of Board agenda items. We obtained a copy of the draft plan on March 22, 1994 after we inquired about amendments to the existing Basin Plan in connection with one of our development projects in early March, 1994.

When we recently contacted the Regional Board to inquire about the status of the Draft Basin Plan we were told that the Draft Basin Plan had been adopted by the Regional Board and was in the process of being forwarded to your agency for review and approval. We feel that there are substantial shortcomings in the Draft Basin Plan which should be addressed before it is approved. We recommend that you require the Draft Basin Plan be amended to incorporate our comments.

When we inquired about the status of the Draft Basin Plan we requested a copy of the version approved by the Regional Board. We were sent a version dated April 28, 1994. Our attached comments are based on our review of this version of the Draft Basin Plan. We have limited our comments to the Los Angeles Harbor area. The issues we discuss can, and should, be expanded to reexamine the entire Draft Basin Plan. We, however, do not possess the knowledge to do so for areas outside the immediate harbor vicinity.

State Water Resources Control Board

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July 7, 1994

If you have any questions, please contact Mr. Larry Smith at (310) 732-3914.

Sincerely,



DONALD W. RICE  
Director of Environmental Management

DWR:PJLS  
Attachment

cc: Deborah Smith, California Regional Water Quality Control Board, Los Angeles Region



**Los Angeles Harbor Department**

**Comments**

**April 28, 1994**

**DRAFT**

**UPDATE**

**Water Quality Control Plan**

**Los Angeles Region (4)**

**Santa Clara River and Los Angeles River Basins**

**California Regional Water Quality Control Board**

**Los Angeles Region**

## GENERAL COMMENTS

This plan tries to do it all. Permitting, enforcement, and monitoring are all covered. Coverage is spotty, repetitive, and often misleading. The plan needs to be made internally consistent. The Basin Plan should be limited to designating beneficial uses for surface and ground waters and setting objectives to protect those beneficial uses and to conform to the state's antidegradation policy. Efforts should be made to provide a focused document, much like the previous version.

## CHAPTER 2. BENEFICIAL USES

The opening paragraph of this section succinctly states that: "Beneficial uses form the cornerstone of water quality protection under the Basin Plan. Once beneficial uses are designated, appropriate water quality objectives can be established and programs that maintain or enhance water quality can be implemented to ensure the protection of beneficial uses. The designated beneficial uses, together with water quality objectives (referred to as criteria in federal regulations), form water quality standards." It is therefore very important to correctly identify existing and potential beneficial uses for the region.

However, from our review it is readily apparent that beneficial uses for most water bodies were either brought forward without review from the previous Basin Plan or were assigned blanket beneficial uses without individual review. An example of the former is from Table 2-1 Beneficial Uses of Inland Surface Waters. The entry is for "Bixby Slough and Harbor Lake." Bixby Slough no longer exists, it has been filled-in since sometime in the 1930's. The name Harbor Lake is incorrect; the correct name is Machado Lake. The "lake" is in reality a retention basin for urban runoff and storm water. The water and its associated sediments are highly contaminated. Contaminant sources are nonpoint source from adjacent residential and commercial developments not likely to be eliminated or reduced in the foreseeable future. A listing as a potential municipal and domestic water supply is incorrect. Water contact recreation is prohibited by Los Angeles City ordinance and the lake is well known as being "dirty." There is no water contact recreation (REC1) use at this lake. This entry was simply copied without review from the previous Basin Plan.

An example of the latter type of blanket assignment is the assignment of the RARE, MIGR, and, SPWN uses for "all bays, estuaries, lagoons and coastal wetlands" (footnotes d and e to Tables 2-1 and 2-3) without review of the individual water bodies. Dominguez Channel Estuary, for example, is assigned these classifications as existing uses even though it is a concrete-lined channel draining a highly-industrialized area of Los Angeles County, with no evidence for any of these uses.

The maps provided with this section border on useless. They are simple line drawings with a minimum of detail. Maps showing river channels, without providing locations of major streets and highways, or geological features, are inadequate for use in identifying specific locations. Where water bodies are split up into multiple units with differing beneficial uses, it is not possible using either the tables or the maps to determine unit boundaries. For example, the Dominguez Channel Watershed is broken down into two units: the Dominguez Channel Estuary and the Dominguez Channel to Estuary. Figure 2-7, Major Surface Waters of the Dominguez Channel Watershed shows the entire Dominguez Channel. No identification is provided to show which section of the channel is estuary and which is not. Nor is there any indication where the Dominguez Channel ends. The only feature on the map is Vermont Avenue. Are we to assume this is a boundary of some kind? This is an important consideration because the estuary and channel have different beneficial uses.

The Dominguez Channel Watershed is primarily industrial wastewater and storm water. A listing as a potential use for municipal and domestic water supply is inappropriate. There is a boom across the Dominguez Channel just upstream of the bridge at Henry Ford Avenue. The boom is maintained by the City of Los Angeles to prevent debris from entering the harbor from the flood channel. Assuming that the Dominguez Channel Estuary ends in this approximate location, a potential NAV use is inappropriate. REC1, REC2, and COMM uses are also inappropriate due to the industrial discharge nature of the water, the industrial facilities through which the channel runs, and the concrete-lined nature of the channel. The Consolidated Slip portion of Los Angeles Harbor is one of the most contaminated areas within the harbor district, due to flow from Dominguez Channel. Identification of this channel with existing uses for WILD, RARE, MIGR, and SPWN was applied without thought or investigation.

Very large basins are used to define beneficial uses of ground waters. The basin which contains the Port of Los Angeles is the "West Coast Basin", with the following described uses: existing municipal and domestic water supply, existing industrial service supply, existing industrial process supply, and existing agricultural supply. Coastal portions of this basin are "contaminated" by sea water intrusion. Beneficial uses for those portions are non-existent. The Port of Los Angeles overlies one such portion. The Draft Basin Plan needs to identify those portions of the ground water basins with no beneficial uses, to preclude inappropriate permit conditions or clean-up orders based on non-existent beneficial uses.

## CHAPTER 3. WATER QUALITY OBJECTIVES

### Regional Objectives for Inland Surface Waters

The Inland Surface Water Objectives apply to "all inland surface waters and enclosed bays and estuaries (including wetlands) in the Region." The objectives therefore apply to waters ranging from freshwater through brackish estuarine to marine salt waters. None of the objectives, with the sole exception of pH, take the basic chemical differences between fresh and salt water into account when setting objectives. Separate objectives should be prepared for fresh and salt waters, particularly for numerical objectives.

Ammonia standards are listed in four tables. Two are for waters designated as "COLD" and two are for waters designated as "WARM". The definition of waters designated as "COLD" is "Salmonids or Other Sensitive Coldwater Species Present". There is no listing of "COLD" waters or "Other Sensitive Coldwater Species". Conversely, the definition of waters designated as "WARM" is "Salmonids or Other Sensitive Coldwater Species Absent".

Two designated uses listed in Chapter 2 are "COLD" and "WARM". However, not all watersheds are designated as either COLD or WARM. Several watersheds have neither beneficial use listed. Which ammonia standard applies to those watersheds?

A new ammonia objective has been added to the second draft. It relates to protection of ground water from ammonia oxidized to nitrate and is a narrative objective. Are the numerical limits presented in Tables 3-1 to 3-4 for toxicity to fish and other aquatic life adequate to protect ground water from oxidized ammonia? If so, this standard is unnecessary.

Waters designated for use as municipal and domestic water supply (MUN) have numerical limits established for chemical constituents (metals, fluoride, and organic chemicals). Other uses have narrative limits. The inappropriate labeling of a watershed or coastal feature as having a MUN beneficial use can thus result in the requirement of specific numerical limits which are not appropriate. The policy of a blanket MUN use for all inland surface waters and ground waters can now be seen as being potentially very costly and counterproductive.

A numerical residual chlorine limit is established and applied to coastal waters as well as to fresh waters at a level far below normal sea water salinity (0.1 mg/l). Residual chlorine, at this level, would be masked by salinity in estuarine waters and sea water.

The statement "pH of natural waters is usually slightly basic due to the solubility of carbon dioxide" is an oversimplified and misleading statement. Better to leave it off and simply state that the pH of natural waters is slightly basic.

The use of Aroclors for PCB regulation should be dropped. Federal agencies are moving rapidly to the use of congener analysis which is much more valid, scientifically.

### **Regional Objectives for Ground Waters**

The Draft Basin Plan needs to identify those portions of the ground water basins with no beneficial uses and provide separate water quality objectives for them. It would be inappropriate to require drinking water standards for saline ground waters.

### **Site Specific Objectives**

This is a new section and is a welcome approach. However, it does not go far enough. This section should provide for the use of Environmental Risk Assessments to allow the setting of Site Specific Objectives which exceed the objectives contained in other sections of the Basin Plan where it can be demonstrated that no loss of beneficial use would result.

## **CHAPTER 4. STRATEGIC PLANNING AND IMPLEMENTATION**

This chapter contains only one instance of strategic planning. The remainder of the chapter is an extensive discussion of current state and local regulatory programs. This discussion serves no useful purpose in this document. The Basin Plan should be limited to designating beneficial uses for surface and ground waters and setting objectives to protect those beneficial uses and to conform to the state's antidegradation policy.

## **CHAPTER 5. PLANS AND POLICIES**

This chapter is an extensive discussion of current state regulatory plans and policies. This discussion serves no useful purpose in this document. The Basin Plan should be limited to designating beneficial uses for surface and ground waters and setting objectives to protect those beneficial uses and to conform to the state's antidegradation policy. The listing of Regional Board Resolutions would be useful as a reference if published separately, but should not be considered a part of the Basin Plan.

## **CHAPTER 6. MONITORING AND ASSESSMENT**

This chapter is an extensive discussion of current state and local monitoring programs. The chapter repeats the discussion of programs contained in Chapters 4 and 5 (i.e. the Bay Protection and Toxic Cleanup Program and self monitoring by dischargers). This discussion serves no useful purpose in this document. The Basin Plan should be limited to designating beneficial uses for surface and ground waters and setting objectives to protect those beneficial uses and to conform to the state's antidegradation policy.


**Memorandum**

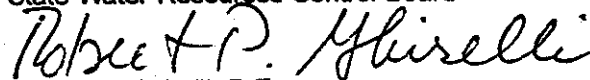
AUG 22 1994

  
 EXECUTIVE OFFICER

To : Walt Pettit  
 Executive Director  
 State Water Resources Control Board

Date: August 16, 1994

File : 100.600

  
 Robert P. Ghirelli, D.Env.  
 Executive Officer

From : CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—LOS ANGELES REGION  
 101 Centre Plaza Drive, Monterey Park, CA 91754-2156  
 Telephone: (213) 266-7500

Subject : RESPONSE TO WORLDPORT LA LETTER REGARDING THE LOS ANGELES REGIONAL BOARD'S BASIN PLAN

We reviewed the letter from Worldport LA to the State Board, dated July 7, 1994, regarding the Los Angeles Regional Water Quality Board's recently adopted Basin Plan. It appears that Worldport LA is not familiar with the mandate from State Board about the Basin Plan format and content and that Worldport LA has not seen a complete copy of the Region's current (originally adopted in 1975) Basin Plan. Specifically, my responses to Worldport LA's comments are as follows:

1. General Comment 1: Worldport LA is concerned about the timing of Basin Plan Drafts and feels that it was not afforded the opportunity to comment on the Draft Basin Plan Update.

Response: Worldport LA states in its letter that it regularly receives copies of Board agenda items. The Basin Plan Workshops and Hearing were noticed on the Board agendas mailed to parties on this list. Copies of pertinent pages from these mailouts are attached. In addition, Worldport LA states that it received a copy of the first public comment draft of the Basin Plan Update on March 22, 1994.

2. General Comment 2: Worldport LA states that it received a copy of the April 28, 1994 Draft and does not feel that it has the final version.

Response: The April 28, 1994, draft of the Basin Plan, along with a change sheet, was adopted by the Regional Board on June 13, 1994. Worldport LA should have received a copy of the change sheet when it requested the final version of the Basin Plan. A copy of the change sheet is attached.

3. General Comment: Worldport LA feels that the plan covers too many areas and is not internally consistent. Worldport LA states that the "Basin Plan should be limited to designating beneficial uses for surface and ground waters and setting objectives to protect those beneficial uses and to conform to the state's anti-degradation policy. Efforts should be made to provide a focused document, much like the previous version."

Response: Worldport LA appears to be comparing this Basin Plan to the Basin Plan Abstracts and Appendices that have been mailed out to the public for many years. It appears not to be aware of the complete one and one half foot thick existing Basin Plan that is much more detailed and broad sweeping than the new Basin Plan update. I feel that the Regional Board staff did a good job of paring the Basin Plan down to a concise, user-friendly document while retaining the key elements required for this document. Further, the format of all of the state's Regional Basin Plans was designed with the Regions and the State Board in order to provide state-wide consistency.

4. Chapter 2 comment 1: Worldport LA states that many beneficial uses were "either brought forward without review from the previous Basin Plan or were assigned blanket beneficial uses without individual review. An example of the former is... 'Bixby Slough and Harbor Lake.' Bixby Slough no longer exists, it has been filled-in since sometime in the 1930's. The name Harbor Lake is incorrect; the correct name is Machado Lake. The 'lake' is in reality a retention basin for urban runoff and storm water."

Response: Beneficial use tables were sent out for review through several different venues throughout the Basin Planning process (see Staff Report). In addition, according to Roger Williams of the Ken Malloy Harbor Regional Park Advisory Board and excerpts from the Final Draft Ken Malloy Harbor Park Master Plan, the lake was originally called Machado Lake (mid 1800's) and then Bixby Slough (late 1800's) and later Harbor Park. The United States Geological Survey Topographic Sheet for the area has the lake listed as Harbor Lake. Throughout the plan, topographic map names were used and other common names were put in parenthesis. We are aware that the lake is now being referred to as Machado Lake again. For the next Triennial Review and update of the plan, the name of this lake will be updated to Machado Lake.

Many of the waterbodies of the region also serve as retention basins for stormwater runoff but are also designated with specific beneficial uses to be protected.

5. Chapter 2 comment 2: Worldport LA states that, for Harbor Lake, "A listing as a potential municipal and domestic water supply is incorrect. Water contact recreation is prohibited by Los Angeles City ordinance and the lake is well known as being 'dirty.' There is no water contact recreation use at this lake."

Response: The issue of the MUN designation for waterbodies of the Region was one of the most controversial issues of the Basin Planning process. Following extensive discussions with various interested parties in the region, this issue was addressed by comment #2-7 in the April 28, 1994, Responsiveness Summary. Recreational uses are designated under goals set forth in the Clean Water Act even if they are not currently attainable. Permanent removal of such a use (if never attained) would require a Use Attainability Analysis and public consensus that this use is not desired.

6. Chapter 2, comment 3: Worldport LA feels that many waterbodies were "assigned blanket beneficial uses without individual review," especially RARE, MIGR, and SPWN uses for all bays, estuaries, lagoons, and coastal wetlands. "Dominguez Channel Estuary, for example, is assigned these classifications as existing uses even though it is a concrete-lined channel draining a highly industrialized area of Los Angeles County, with no evidence for any of these uses."

Response: The California Department of Fish and Game provided documentation for these uses to be included for these coastal waters. For more details, please see Comment #2-9 of the April 28, 1994, Responsiveness Summary.

7. Chapter 2, comment 4: Worldport LA states "The maps provided with this section border on useless. They are simple line drawings with a minimum of detail..." Worldport LA is concerned about the boundary between Dominguez Channel Estuary and Dominguez Channel itself.

Response: The maps included in the Basin Plan Update are significantly more useful than the maps in the old Basin Plan. They are kept simple and are meant to be

used in conjunction with other maps, such as the Thomas Guide and topographic maps. For the larger watersheds, Santa Clara River, for instance, additional features would render the maps unreadable (see also Comment #2-5 of the April 28, 1994, Responsiveness Summary). The boundary between an estuary and a stream or river is defined by other state guidance.

8. Chapter 2, comment 5: Worldport LA feels that Dominguez Channel should not be designated NAV, REC1, REC2, COMM, WILD, RARE, MIGR, and SPWN uses.

Response: Many commenters had similar concerns about beneficial uses designations for various waterbodies throughout the Region. The Regional Board staff made the determination that these are proper designations, based on federal requirements, the existing Basin Plan, current definitions of the uses and on historical and currently observed uses of these waterbodies. For more information, please see comments #2-8 through 2-19 of the April 28, 1994, Responsiveness Summary.

9. Chapter 2, comment 6: Worldport LA states that "Very large basins are used to define beneficial uses of ground waters....The Draft Basin Plan needs to identify those portions of the ground water basins with no beneficial uses, to preclude inappropriate permit conditions or cleanup orders based on non-existent beneficial uses."

Response: A more detailed look at individual aquifers will be included on the proposed Triennial Review list.

10. Chapter 3, comment 1: Worldport LA is concerned about the application of inland surface water objectives to estuarine waters. "None of the [narrative] objectives, with the sole exception of pH, take the basic chemical differences between fresh and salt water into account when setting objectives. Separate objectives should be prepared for fresh and salt waters, particularly for numerical objectives."

Response: The Basin Plan includes the provision for site specific objectives where applicable.

11. Chapter 3, comment 2: Worldport LA questions the application of the ammonia COLD and WARM tables. They further ask which ammonia standard applies to waterbodies that do not have COLD or WARM designations.

Response: The applicability of COLD and WARM tables based on species found in these rivers will be based on the designation of the receiving water. Coastal waterbodies that are designated either EST or MAR (i.e., those that are not designated COLD or WARM) are not covered by these ammonia standards.

12. Chapter 3, comment 3: Worldport LA questions whether the numerical limits in the Ammonia Tables will also protect the ground water from oxidized ammonia.

Response: Generally, the Regional Board staff feels that ground waters will be protected by these standards. However, if it is determined that ground water beneficial uses are being impaired, the staff can examine additional means of protecting this resource. The primary goal of the ammonia tables is to protect aquatic life in surface waters.

13. Chapter 3, comment 4: Worldport LA has further concerns about the MUN designation.

Response: Please see comment # 5 above.

14. Chapter 3, comment 5: "A numerical residual chlorine limit is established and applied to coastal waters as well as to fresh waters at a level far below normal sea water salinity (0.1 mg/l). Residual chlorine, at this level, would be masked by salinity in estuarine waters and sea water."

Response: The narrative objectives apply to all inland surface waters and enclosed bays and estuaries (including wetlands) as is stated on page 3-3 of the Basin Plan (adopted June 13, 1994). There is a wide range of salinity in most estuarine bodies. The primary applicability is for discharges into fresh waters and to ensure protection of all downstream uses (e.g., into the estuary until diluted).

15. Chapter 3, comment 6: "The statement 'pH of natural waters is usually slightly basic due to the solubility of carbon dioxide' is an oversimplified and misleading statement. Better to leave it off and simply state that the pH of natural waters is slightly basic."

Response: Comment noted. This text is not part of the water quality objective, however, it will be considered for modification under the next Triennial Review.

16. Chapter 3, comment 7: Worldport LA has further concerns about the designation of beneficial uses to large groundwater basins.

Response: See comment # 9 above.

17. Chapter 3, comment 8: Worldport LA feels that the site specific objectives section should include the use of Environmental Risk Assessments.

Response: The site specific objectives section language describes some general guidelines for a program that is being developed and has room for additional scientifically valid approaches. This issue will be tackled under the next Triennial Review.

18. Chapters 4, 5 and 6: Worldport LA feels that these chapters generally "serve no useful purpose in this document. The Basin Plan should be limited to designating beneficial uses for surface and ground waters and setting objectives to protect those beneficial uses and to conform to the state's anti-degradation policy."

Response: Worldport LA appears to be unfamiliar with the existing Basin Plan that is over one foot thick and the mandates that we were working under to prepare these updates. I feel that this Basin Plan is excellent and fulfills what is required by the state and federal law. (See comment #3 above).

If you need any additional information, please feel free to contact me at (213) 266-7510.

Attachments: Regional Board Agenda Announcements for January and June 1994 Basin Plan Workshops/Heaing.  
June 13, 1994, Staff Report and Change Sheet  
April 28, 1994, Responsiveness Summary and Change Sheet  
June 13, 1994, Responsiveness Summary  
June 13, 1994, Change Sheet for Basin Plan

cc: John Ladd, Basin Planning Unit, Division of Water Quality, State Water Resources Control Board.



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

31 CENTRE PLAZA DRIVE  
MONTEREY PARK, CA 91754-2156  
(213) 266-7500  
FAX: (213) 266-7600

**AGENDA****STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

370th Regular Meeting  
Monday, January 31, 1994 - 9:30 A.M.

CITY COUNCIL CHAMBERS  
613 EAST BROADWAY  
GLENDALE, CALIFORNIA

**INTRODUCTION**

1. Roll Call.
2. Election of Officers.
3. Approval of Minutes of the Regular Meeting held on December 6, 1993.

**UNCONTESTED ITEMS**

4. Uncontested Items Calendar. *(Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. If any interested party, Board Member, or staff person requests that an item be removed from the calendar, it will be taken up in the regular agenda order.)*

**PUBLIC FORUM**

5. Public Forum. *(Any member of the public may address the Board regarding any matter within the Board's jurisdiction. This need not be related to any item on the agenda.)*
6. Board Member Communications. *(The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.)*

**WASTE DISCHARGE REQUIREMENTS**

7. Consideration of NPDES Requirements - New, Renewal and Revision. *(The Board will be asked, during a public hearing, to adopt the proposed permits for the following facilities.)*

**NEW**

\*7.1 Unocal Corporation (Carson Plant), Carson {J. Workman}

CA0063185

Agenda  
January 31, 1994

\*\*\*\*\*

*All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Regional Board by staff for its consideration prior to action on the related items.*

**PARKING ADVISORY**

The Glendale City Hall parking structure and Glendale Robinson's parking structure may still be closed due to damage caused by the Earthquake. Metered parking is available on surface streets or at the Metrolink station located at 400 W. Cerritos. From Metrolink, you can take the Beeline shuttle which runs every 12 minutes and drops its passengers on Brand & Broadway. The cost is 25¢ each way.

**WORKSHOP**

**DRAFT WATER QUALITY CONTROL PLAN  
SANTA CLARA AND LOS ANGELES RIVER BASINS**

After the adjournment of the Regular Board Meeting, a Workshop will be held to receive public input and comments on the Draft Water Quality Control Plan. The Workshop will begin no earlier than 10:00 a.m. and can not continue beyond 2:45 p.m. when we must vacate the Council Chambers. If there are parties that have not been heard by 2:45 p.m., they will be heard at the continuation of the Workshop on February 3, 1994, at the Radisson Hotel located at 30100 Agoura Road (Reyes Adobe Exit off the 101), Agoura Hills, beginning at 6:00 p.m.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

101 CENTRE PLAZA DRIVE  
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(213) 266-7500  
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**AGENDA**

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**374th Regular Meeting  
Monday, June 13, 1994 - 9:30 A.M.**

**CITY COUNCIL CHAMBERS  
613 EAST BROADWAY  
GLENDALE, CALIFORNIA**

**INTRODUCTION**

1. Roll Call.
2. Approval of Minutes of the Regular Meeting held on May 9, 1994.

**UNCONTESTED ITEMS**

3. Uncontested Items Calendar. *(Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. If any interested party, Board Member, or staff person requests that an item be removed from the calendar, it will be taken up in the regular agenda order.)*

**PUBLIC FORUM**

4. Public Forum. *(Any member of the public may address the Board regarding any matter within the Board's jurisdiction. This need not be related to any item on the agenda.)*
5. Board Member Communications. *(The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. There will be no voting or formal action taken.)*

**WASTE DISCHARGE REQUIREMENTS**

6. Consideration of NPDES Requirements - New, Renewal and Revision. *(The Board will be asked, during a public hearing, to adopt the proposed permits for the following facilities.)*

Agenda  
June 13, 1994

**RENEWAL**

- 9.1 Waste Management Disposal Services of California, Incorporated, (Bradley Landfill and Recycling Center), Sun Valley {D. Peterson} 78-027

**REVISION**

- \*9.2 Golden Valley Municipal Water District (Gorman Water Pollution Control Plant), Gorman {D. Bacharowski} 56-073
- \*9.3 Las Virgenes Municipal Water District and Pepperdine University, Malibu Campus (Tapia Water Reclamation Facility), Calabasas {M. Baiady} 64-104  
70-060
- \*9.4 The County of Los Angeles - Department of Public Works and Pepperdine University, Malibu Campus (Malibu Mesa Wastewater Reclamation Facility) {M. Baiady} 70-60
10. Consideration of Non-NPDES Requirements - Rescission {J. Lewis} *(The Board will be asked to rescind the requirements for the following facilities).*
- \*10.1 Clarence R. Barnett, Inc. (Formerly L.W. Frankley Oil Company), Simi Valley 61-065
- \*10.2 Golden West Refining Company, Long Beach 88-001

**ENFORCEMENT**

11. Consideration of a Resolution Requesting the Attorney General to Take Appropriate Actions for Discharge of Petroleum Products into McGrath Lake and the Pacific Ocean by Berry Petroleum Company. {S. Birosik} *(The Board will be asked, during a public hearing, to adopt a Resolution Referring the Matter to the Attorney General).*
12. Consideration of Approval of an Update of the Water Quality Control Plans (Basin Plan) for the Los Angeles Region. {D. Smith} *(The Board will be asked, during a public hearing, to adopt the proposed Basin Plan Update).*

**INFORMATION ITEM** *(Please note Item 13 is for information only. There will be no voting or formal action taken by the Board on this item.)*

13. Executive Officer's Report.

**CLOSED SESSION**

14. Closed Session. *(Please note that this Item is not open to the public).*

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in a hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a)(d)(q).

**Change Sheet  
Water Quality Control Plan ("Basin Plan")**

**Regional Water Quality Control Board, Los Angeles Region (4)  
Santa Clara River and Los Angeles River Basins  
April 28, 1994, Proposed Draft**

**June 13, 1994**

These changes have been made primarily in response to the comments received with regards to the April 28, 1994 Draft of the Basin Plan, to resolve any conflicting issues.

Table 1-1:           The \* footnote was removed from two Significant Ecological Areas (Comment #G-4, Second Responsiveness Summary):  
                          SEA #63 -Lyon Canyon  
                          SEA #63-Oak Savannah

Figure 1-8:           Will reflect historic data on population, and more information from the figure will be included in the text (Draft page 1-13).

Draft page 1-16:       Change title from *Water Resources/Water Quality To Water Resources/Water Quality Issues*.

Tables 2-1 and 2-3:   The following corrections have been made in order to satisfy the USEPA requirement that all waterbodies of the nation be designated "fishable/swimmable" as goals (potential), even if the uses are not presently attained.

                          "P" for REC1 added to:

Coyote Creek below dam  
Mirror Lake  
Ojai Wetland  
Tapo Canyon  
Sims Pond  
Madrona Marsh  
Eaton Dam and Reservoir  
Burbank Western Channel  
Eagle Rock Reservoir  
Echo Lake  
Anacapa Island watercourses  
San Nicolas Island watercourses  
Marina Del Rey-other areas  
Los Angeles Harbor-other inner areas  
Long Beach Marina  
Long Beach Marina-other areas  
Marine Stadium

                          "P" added for WARM, EST, or MAR, as appropriate to:

Sims Pond  
Colorado Lagoon  
Madrona Marsh  
Potrero Valley Creek  
All Los Angeles isolated lakes and reservoirs  
Anacapa Island watercourses  
San Nicolas Island watercourses

Santa Barbara Island watercourses

Covered reservoirs: add "P\*" for REC1 and "P\*\*" for WARM [footnote \*:  
These reservoirs are covered and thus inaccessible]. A Use Attainability  
Analysis may be done in the future, if appropriate, to evaluate these uses:

Franklin Canyon Reservoir  
Solano Reservoir  
Eagle Rock Reservoir

Footnotes for all of the LADWP distribution reservoirs are changed to (Comment  
#2-6, Second Responsiveness Summary):

"Public access to reservoir and its surrounding watershed is prohibited by  
LADWP."

REC1 for the following waterbodies will be additionally footnoted "Access prohibited  
by Los Angeles County DPW" (Comment #2-3(a), Second Responsiveness  
Summary):

Dominguez Channel to Estuary  
Los Cerritos Channel to Estuary

REC1 for the following waterbodies will be additionally footnoted "Access prohibited  
by Los Angeles County DPW in the concrete-channelized areas" (Comment #2-  
3(a), Second Responsiveness Summary):

Trancas Creek  
Bell Creek  
Bouquet Canyon Creek  
Burbank Western Channel  
Arroyo Calabasas  
Dry Canyon Creek  
Halls Canyon Creek  
Kagel Canyon Creek  
Las Virgenes Creek  
Medea Creek  
Mint Canyon Creek  
Snover Canyon Creek  
Stetson Canyon Creek  
Triunfo Creek  
Haines Canyon Creek  
Lopez Canyon Creek  
Wilson Canyon Creek  
Arroyo Seco

Footnote in Table 2-1 to San Francisquito Canyon (Comment #2-8, Second  
Responsiveness Summary):

"The majority of the reach is intermittent; there is a small area of rising  
ground water creating perennial flow." It should be noted that intermittent  
uses are fully protected.

New footnote for the asterisked MUN designations (Comment #2-5, Second  
Responsiveness Summary):

"Designated under SB 88-63 and RB 89-03. Some designations may be  
considered for exemptions at a later date. (See pages 2-3,4 for more  
details)."

Tables 2-1 to 2-4: The footnotes are re-lettered so that they have the same letters from page to page  
in the tables (Comment #2-6 (b), Second Responsiveness Summary).

Draft page 2-3 to 4:

Change text regarding MUN designations (Comment #2-5, Second Responsiveness Summary):

Old text:

"The waterbodies of the Region are protected as sources of drinking water as required by the *Sources of Drinking Water Policy*, which became effective upon adoption of State Board Resolution No. 88-63 in 1988 (Regional Board Resolution No. 89-03). Adhering to this policy, all inland surface and ground waters have been designated as MUN. The Regional Board will consider review of the *Sources of Drinking Water Policy* to develop criteria to determine if any waterbody(ies) may be exempted from the MUN designation. Such exceptions will be implemented through a special Basin Plan amendment and will apply exclusively to the water bodies designated as MUN after the *Sources of Drinking Water Policy* was adopted. No new limitations in Requirements are implied by new MUN designations in the beneficial uses tables (Tables 2-1 to 2-4) until the Regional Board officially adopts criteria to exempt waterbodies."

New text:

"The State Board Resolution No. 88-63 (Sources of Drinking Water) followed by Regional Board Resolution No. 89-03 (Incorporation of Sources of Drinking Water Policy into the Water Quality Control Plans (Basin Plans)) state that " All surface and ground waters of the State are considered to be suitable, or potentially suitable, for municipal or domestic waters supply and should be so designated by the Regional Boards ... [with certain exceptions which must be adopted by the Regional Board]." In adherence with these policies, all inland surface and ground waters have been designated as MUN - presuming at least a potential suitability for such a designation.

These policies allow for Regional Boards to consider the allowance of certain exceptions according to criteria set forth in SB Resolution No. 88-63. While supporting the protection of all waters that may be used as a municipal water supply in the future, the Regional Board realizes that there may be exceptions to this policy.

In recognition of this fact, the Regional Board will soon implement a detailed review of criteria in the State Sources of Drinking Water policy and identify those waters in the Region that should be excepted from the MUN designation. Such exceptions will be proposed under a special Basin Plan Amendment and will apply exclusively to those waters designated as MUN under SB Res. No. 88-63 and RB Res. No. 89-03.

In the interim, no new effluent limitations will be placed in Waste Discharge Requirements as a results of these designations until the Regional Board adopts this amendment."

Figure 2-2  
& Table 3-8

The identification of reaches 2 and 3 of Ventura River should read (Comment #2-4, Second Responsiveness Summary):

"Between confluence with Weldon Canyon and Main Street"

"Between Casitas Vista Road and confluence with Weldon Canyon"

Draft page 3-3:

Spelling correction: "chorine" is replaced by "chlorine" (Comment #G-4, Second Responsiveness Summary).

Draft page 3-11: Spelling correction: "aesthetical" is replaced by "aesthetically" (Comment #G-4, Second Responsiveness Summary).

Draft page 3-21: Spelling correction: "Gleandale" is replaced by "Glendale" (Comment #G-4, Second Responsiveness Summary).

Table 3-10: Spacing has been corrected to appropriate represent the sequence of numerical objectives for Basin 4-12 (Comment #G-4, Second Responsiveness Summary).

Draft page 3-24: Change text (Comment #3-10, Second Responsiveness Summary):  
*Old text:*

"In addition, a use attainability study will be necessary if the attainment of beneficial uses is in question; this study must be completed before initiation of the site-specific study."

*New text:*

"In addition, a Use Attainability Analysis (UAA) study will be necessary if the attainment of designated aquatic life or recreational beneficial uses is in question. UAAs include waterbody surveys and assessments which define existing uses, determine appropriateness of the existing and designated uses, and project potential uses by examining the waterbody's physical, chemical, and biological characteristics. Under certain conditions, a designated use may be changed if attaining that use would result in substantial and widespread economic and social impacts. Uses that have been attained can not be removed under a UAA analysis. If a UAA studies is necessary that study must be completed before a SSO can be determined."

*Old text:*

" A detailed workplan will be developed with Regional Board staff and other agencies based on the specific pollutant and site involved.... Although each study will be unique, there are several elements that should be addressed in order to justify the need for a site-specific objective. These include, but are not limited to:

- (i) A thorough review of current technology and technology-based limits which can be achieved at the facility(ies) on the study reach.
- (ii) A thorough review of historical limits and compliance with these limits at all facilities in the study reach.
- (iii) An detailed economic analysis of compliance with existing, proposed, and site-specific objectives.
- (iv) A analysis of compliance and consistency with all federal, state, and regional plans and policies."

*New text:*

" A detailed workplan will be developed with Regional Board staff and other agencies (if appropriate) based on the specific pollutant and site involved.... Although each study will be unique, there are several elements that should be addressed in order to justify the need for a site-specific objective. These may include, but are not limited to:

- (i) Demonstration that the site in question has different beneficial uses



(e.g., more or less sensitive species) as demonstrated in a UAA or that the site has physical or chemical characteristics that may alter the biological availability or toxicity of the chemical.

- (ii) Provide a thorough review of current technology and technology-based limits which can be achieved at the facility(ies) on the study reach.
- (iii) Provide a thorough review of historical limits and compliance with these limits at all facilities in the study reach.
- (iv) Conduct a detailed economic analysis of compliance with existing, proposed objectives.
- (v) Conduct an analysis of compliance and consistency with all federal, state, and regional plans and policies."

Figure 4-1: Correct misspellings in figure and title.

Table 4-14: Correct spelling in title.

Draft page 4-20: Reword last paragraph for clarity:

*Old text:*

"Materials that meet guidelines for in-situ treatment are permitted under general WDRs (Table 4-2) for"

*New text:*

"General WDRs (Table 4-2) for in-situ treatment are issued for materials that meet guidelines for"

Draft page 4-50: Modify the text (Comment #4-3, Second Responsiveness Summary):

*Old text:*

"The majority of construction activity discharges in the Los Angeles Region will be covered under the State Board general permit."

*New text:*

"Many of construction activity discharges in the Los Angeles Region will be covered under the State Board general permit."

Table 4-20: Live Oak Reservoir (capacity: 230 acre-feet as of 1993; use: flood control and water conservation; and owner: LACDPW) will be added (Comment #4-5, Second Responsiveness Summary).

Draft page 4-56: Change title from *Surface Mines To Mines*.

Draft page 4-74: Update information::

*Old text:*

"The draft Santa Monica Bay Restoration Plan will be unveiled to the public in April, 1994."

*New text:*

"The Santa Monica Bay Restoration Plan was *presented* to the public in

April 28, 1994."

Draft page 5-7:

Update information:

Old text:

"The State Board has adopted the amendments to this Policy.  
Pending amendment by the State Board and approval from OAL, the  
amended Policy...."

New text:

"The amended policy has been adopted by the State Board and it will be  
effective when it is approved by the Office of Administrative Law. The  
amended Policy ...."

Appendix:

Add the legend *Distribution Reservoir*, and its present condition to the following  
reservoirs included in the Appendix:

A-2	Ascot Reservoir	Distribution Reservoir-replace with tank
A-5	Eagle Rock Reservoir	Distribution Reservoir-covered
A-6	Elysian Reservoir	Distribution Reservoir-cover being considered
A-6	Encino Reservoir	Distribution Reservoir-not tributary
A-6	Lower Franklin Canyon Res.	Distribution Reservoir-covered
A-6	Girard Reservoir	Distribution Reservoir-out of service
A-7	Upper Hollywood Reservoir	Distribution Reservoir-Tributary to Lower Hollywood Reservoir
A-7	Lower Hollywood Reservoir	Distribution Reservoir-not tributary
A-9	Los Angeles Reservoir	Distribution Reservoir-not tributary of Lower Van Norman Reservoir
A-13	Santa Ynez Reservoir	Distribution Reservoir-cover being considered
A-13	Silver Lake Reservoir	Distribution Reservoir-not tributary of Ivanhoe Reservoir. Flow is from Ivanhoe to Silver Lake.
A-13	Solano Reservoir	Distribution Reservoir-not tributary to Los Angeles Reservoir. Located in East Los Angeles and is covered.
A-14	(Lower) Stone Canyon Res.	Distribution Reservoir-not tributary of Upper Stone Canyon Reservoir. Flow is from the upper to the lower reservoir.
A-15	Upper Franklin Canyon Res.	Nature Preserve-not part of drinking water system
A-15	Upper Stone Canyon Res.	Tributary of Lower Stone Canyon Reservoir

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JAMES M. STROCK, Secretary, Environmental Protection Agency



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**REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

Responsiveness Summary  
for the December 29, 1993 DRAFT  
Water Quality Control Plan, Los Angeles Region

April 28, 1994

**Change Sheet  
Responsiveness Summary (April 28, 1994)**

**for the  
proposed Water Quality Control Plan ("Basin Plan")  
(December 29, 1994 draft)  
Regional Water Quality Control Board, Los Angeles Region (4)  
Santa Clara River and Los Angeles River Basins**

June 13, 1994

These changes are made primarily in response to the comments received with regards to the April 28, 1994, Draft of the Basin Plan and the first Responsiveness Summary.

**Comment #1-10: Change text (Comment #1-2, Second Responsiveness Summary):**

*Old text:*

"The unlined seven-mile stretch (according to the Watermaster) at the Narrows (Elysian Valley) is singled out because it is an important groundwater recharge area"

*New text:*

"The unlined seven-mile stretch (according to the Watermaster) at the Narrows (Elysian Valley) is singled out because it is an area of groundwater-surface water interaction"

**Comment # 2-10: Change text (Comment #2-3(c), Second Responsiveness Summary):**

*Old text:*

"In addition, there has been discussion of re-configuring portions of the Los Angeles river to provide for more recreational uses."

*New text:*

"In addition, there has been discussion and tentative plans of re-configuring portions of the Los Angeles river to provide for more recreational uses, however, public safety will be a primary consideration.

**Comment #2-12: Change text (Comment #1-2, Second Responsiveness Summary):**

*Old text:*

"Santa Ynez Reservoir	Part of drinking water system
Stone canyon Reservoirs	Part of drinking water system
Hollywood Reservoirs	Part of drinking water system
Lower Franklin Canyon Res.	Part of drinking water system and is cover
Los Angeles Reservoir	Distribution reservoir
Solano Reservoir	Distribution reservoir/is covered
Eagle Rock	Distribution reservoir/is covered
Elysian Lake	Distribution reservoir
Encino Lake	Distribution reservoir
Ivanhoe Lake	Distribution reservoir
Silver Lake	Distribution reservoir
Chatsworth Reservoir	Dry, not planned to be restored"

*New text:*

"Santa Ynez Reservoir	Drinking water distribution system
Upper and Lower Stone Canyon Reservoirs	Drinking water distribution system
Inner and Lower Hollywood	

**Reservoir**  
**Lower Franklin Reservoir**

**Drinking water distribution system**  
**Drinking water distribution system and**  
**is covered**

**Los Angeles Reservoir**  
**Solano Reservoir**

**Drinking water distribution system**  
**Drinking water distribution system and**  
**is covered**

**Eagle Rock Reservoir**

**Drinking water distribution system and**  
**is covered**

**Elysian Reservoir**  
**Encino Reservoir**  
**Ivanhoe Reservoir**  
**Silver Lake Reservoir**  
**Chatsworth Reservoir**

**Drinking water distribution system**  
**Drinking water distribution system**  
**Drinking water distribution system**  
**Drinking water distribution system**  
**Drinking water distribution system, dry,**  
**not planned to be restored."**

**STAFF RESPONSE:**

At this time, there is no special funding to support detailed studies of these additional areas. Ventura River Valley and Ojai Valley were included in the areas surveyed by California State University, Fullerton as part of waterbody and beneficial use identification for this Basin Plan update.

**COMMENT #: 2-5**

**COMMENT:**

*Figures and Table (Figure 2-4):* a) FSCR: South Fork of Arroyo Conejo is missing from figure. "Although impacted by development in the City of Thousand Oaks, this stream contains some important local wetlands and should be included."

b) *(Figure 2-3) SCOPE:* This figure should include "Placerita Creek as it is an important and existing GWR source. It should also include Newhall Creek as the proposed Elsmere landfill may affect this tributary. Pico Creek should also be noted due to potential problems from development and pesticide pollution from golf course run-off." SCOPE and SCVCPC: "Figure... 2-14, 2-15 fail to note the Saugus Aquifer. This is a major omission as the Saugus Aquifer is the source of about 50% of our ground water resources."

c) CSDLAC: Reaches of each waterbody should be identified by number on the table[s] to match with the figures. The "hydrologic units should be indicated on the Figures if possible..." "The Hydrologic Unit maps and the Inventory of Major Surface Waters in Appendix 1 contain insufficient detail to determine what the beneficial use designations are for each water body segment referred to in Table 3-6."

d) *(Figure 2-16) ULARA:* The boundaries of Sylmar and Verdugo Basins are not correct. The dashed line in the San Fernando Basin Area-east of Highway 405 should be removed. A footnote related to the words "Well fields" should list the wells involved.

e) *(Figure 2-1 to 2-22) DWP:* "Figures 2-1 through 2-22 [should] more accurately reflect the boundaries of the designated beneficial uses... or reference a location where such information can be obtained and reviewed."

f) FoLAR: "Upper Big Tujunga Canyon Creek and Big Tujunga Canyon Creek watersheds are not differentiated."

**COMMENTERS:**

FSCR, SCOPE, CSDLAC, ULARA, DWP, SCVCPC, FoLAR

**STAFF RESPONSE:**

a) and b) Every tributary or sub-basin can not be included on these figures for a variety of reasons. In many cases, only the tributaries or basins that are explicitly listed in the beneficial uses tables are included. On some of the overcrowded figures (i.e., the Santa Clara River watershed), only some of the tributaries are included. More detailed maps are available in the Regional Board office. The Saugus aquifer, however, will be delineated on the Eastern Santa Clara Groundwater basins figure.

c) The reaches will be identified by number on the table. It is not planned to include the hydrologic units on the map because it will make the maps more difficult to read. These maps are a significant improvement over those in the current Basin Plan in that the surface water reach and groundwater basin boundaries are clearly identified on maps. An overlay of the hydrologic units will be provided in the final plan.

d) and f) These corrections will be made.

e) Figures 2-1 through 2-22 are general maps and the only reach boundaries indicated match with the mineral quality objectives (see Comment 2-19a). In the beneficial use tables, each use is generally designated for the entire reach listed. In some cases,

there may be isolated areas which support the use. An example of a reference for this type of information would be to access Department of Fish and Game's RAREFIND database for specific locations of rare and endangered species.

COMMENT #: 2-6

COMMENT: *Beneficial uses (multiple areas):* "Use designations for waterbodies must be properly defined and implemented to prevent interference with the benefits of these [city projects] to the environment and the citizens of California. The Basin Plan should explicitly acknowledge the need to balance the hierarchy of sometimes competing uses designated to a single receiving water system."

COMMENTERS: TOaks

STAFF RESPONSE: Beneficial uses are set according to the actual or potential uses of a particular water body. Objectives are set according to the most sensitive use. In areas of overlap, regulatory action occurs on a case-by-case basis. The overall goal is to create the appropriate water quality to best protect all uses.

COMMENT #: 2-7

COMMENT: *Beneficial uses (multiple areas)-MUN:* a) Many dischargers disagree with the MUN beneficial use designation. Specifically, several dischargers to the Los Angeles River and San Gabriel Rivers believe that the channelized portions of these rivers, where there is no groundwater recharge downstream, should be exempt from the State's *Sources of Drinking Water Policy*. Some also feel that areas that are effluent-dominated should be exempt. In other areas, the surface or ground water is not used for and has low potential to be used for drinking water. In general, dischargers are not sure what the designation really means; does the effluent have to meet drinking water standards or does the stream have to reach drinking water standards, or do standards have to be met at all? Others state that MUN is not a "realistic and achievable assumption." "The water quality in these channels [Los Angeles County system] may not be suitable to domestic uses even after Best Management Practices are implemented through the Stormwater Permit and other programs."

b) SCOPE: MUN should be listed for Santa Clara River, Hydrological Unit 403.51. "This area uses ground water extensively for municipal purposes and should be noted E."

c) LACo: "Additional guidance on '200 gallons per day' [from *Sources of Drinking Water Policy*] would be helpful to differentiate between perched versus producible aquifers. If maps of perched aquifers are known, provide the information."

COMMENTERS: SVCSO, LVMWD, OjaiVSD, CamSD, LACo, Burb, CSDLAC, LACity, SCOPE, DWP, LACo

STAFF RESPONSE: a) and c) The Regional Board staff recognizes that the MUN designation requires more clarification. The State's *Sources of Drinking Water Policy* was amended into the Basin Plan by this Regional Board in 1989 and all of the waterbodies of the Region were included as either existing or potential MUN. In this update, a footnote will be added to the Beneficial Use tables for MUN which will refer to a paragraph in the text that will describe the Board's intent to develop criteria for MUN. The issue of designation of objectives and beneficial uses of perched and producible aquifers will be placed on the Triennial review list.



b) This Table (2-1) refers to surface waters. The relevant ground water basins (Table 2-2) do have the MUN designation listed as "E".

COMMENT #: 2-8

COMMENT:

*Beneficial uses (multiple areas):* REC1, REC2, WARM, SAL, EST, WET, MAR, WILD, BIOL, RARE, MIGR, SPWN and SHELL should be recognized and expanded for upstream areas because of downstream impacts. Surface Water management affects estuaries, bays, coastal marshes and lagoons and the near shore ocean water. "Too often, down stream beneficial uses are lost or degraded because of development and encroachment on water courses."

COMMENTERS:

Surf

STAFF RESPONSE:

Beneficial uses are designated for each reach of a river (not just downstream uses). Downstream uses are considered during the permit process when effluent limits or water quality objectives are established to protect all uses (including those downstream of the discharge).

COMMENT #: 2-9

COMMENT:

*Beneficial uses (multiple areas) a) CDFG - RARE:* "The RARE designations for the various waterbodies...should be revised to reflect the information found in the Natural Diversity Data Base..." Specifically the CDFG recommends a RARE designation for "All nearshore and offshore zones...[and] all bays, estuaries, harbors, wetlands and tidal prisms listed in Table 2-3" for the following reason: "All of the marine, bay, estuary and wetland waterbodies are utilized by one or all of the following species for either foraging and/or nesting activities: 1) California Brown Pelican, 2) Least Tern, 3) Light Footed Clapper Rail, 4) Snowy Plover, 5) Belding's Savannah sparrow, 6) Peregrine's falcon, 7) Salt marsh Bird's-beak (this is a plant found in remaining salt marshes in southern California)."

b) (SPWN) CDFG: SPWN should be applied to "All nearshore and offshore zones...and all bays, estuaries, lagoons, harbors and tidal prisms listed in Table 2-3..." for the following reasons: "The Department's understanding of the SPWN designation is that it includes waters that support high quality aquatic habitats necessary for reproduction and early development of fish. It should be noted that the Section 45 of General Provisions and Definitions of the California Fish and Game Code defines fish as follows: 'Fish means wild fish, mollusks, or crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof.' Given this definition, the Department believes that virtually all the ocean, bay, estuaries, and tidal prism waters included in the Los Angeles Region support to a certain extent aquatic habitats necessary for the reproduction and early development of fish species....For several of the species identified [in cited reports], most if not all of the marine, bay and estuary waterbodies identified in Table 2-3 would be used during one and/or several life stages of the species in question." CDFG also cites several references about the fish species in the Los Angeles Region marine waters and the estuarine and lagoon lower salinity areas (for spawning).

c) (BIOL) CDFG: The following surface waterbodies should be listed as BIOL because they are ecological reserves that fall under the definition of BIOL:

Coldwater Canyon Ecological Reserve  
Abalone Cove Ecological Reserve  
Farnsworth Bank Ecological Reserve  
Santa Barbara Island Ecological Reserve  
All offshore rocks and pinnacles

"At a minimum, all water bodies described in Table 2-3 as 'estuaries, lagoons, and wetlands' should be considered for the BIOL designation since the preservation or enhancement of natural resources associated with these habitat types commands special protection."

d) (MIGR) CDFG: MIGR should be designated for "All Bays, Estuaries, lagoons, and wetland listed in Table 2-3. This recommendation is based on the fact that at least two species of mullet (i.e., white and striped) may utilize both the fresh and salt water portions of the above listed water bodies. In addition to mullet, other marine organisms utilize the above water bodies for spawning, larvae and juvenile nursery areas which may include movement into areas which are heavily influenced by freshwater inputs. This use is considered by the Department as 'temporary activities' by several fish species (e.g., tidewater goby, threadfin shad, pipefishes, sticklebacks, killifishes, etc.) as well as several invertebrate species and as such these waters should be designated MIGR."

e) (WARM and WILD) FoLAR: "All rivers and channels [in urban areas] should be designated at least as WARM - 'I' and WILD - 'I'. Wildlife, such as raccoons, mallards, possums, various birds, and migratory birds are commonly found in urban areas. Even minimal amounts of water in these channels allow algae and invertebrates to flourish, providing some value."

COMMENTERS:

CDFG, FoLAR

STAFF RESPONSE:

a) The Regional Board's contractor used the information in the Department of Fish and Game's Natural Diversity/RAREFIND Database to recommend RARE designations for this update. The Regional Board staff will meet with the Department of Fish and Game for a formal consultation to further address these designations.

b), c), and d) These comments will be incorporated.

e) Where appropriate, most waterbodies do have these designations.

COMMENT #: 2-10

COMMENT:

*Beneficial uses (multiple areas):* LACo: Flood control facilities are designed to protect public safety and welfare and should be treated differently than natural channels. Vegetation and sediment must be removed according to US Army Corps regulations (33 Code of Federal Regulations, Chapter 11 §208.10(g)). "In addition, these flood control channels are and always have been closed to recreation involving water ingestion...by way of fences and locked gates. Even in those concrete channels with adjacent bike paths, the channel configurations themselves (vertical or very steep side slopes) preclude casual contact by bike path users which involve water ingestion....[In the list] should...eliminate any REC1, REC2, WARM, COLD, WILD, BIOL, RARE, SPWN, and WET beneficial use designations from concrete flood control channels." LACo further feels that REC1 and REC2 designations should be removed from their reservoirs where those uses are prohibited [they list the exceptions].

COMMENTERS: LACo

STAFF RESPONSE: Beneficial uses in question for flood control channels are primarily the uses that were designated in the 1975 Basin Plan and subsequent amendments. Following discussions with LACo, Regional Board staff is placing footnotes on most of the disputed uses that states the uses are currently prohibited. There are certain areas where contact recreational uses are occurring in spite of fences and prohibitions (e.g., fishing, swimming, and bathing in several concrete channels). In addition, there has been discussion of re-configuring portions of the Los Angeles River to provide for more recreational uses. By placing "P" ("with footnotes) on these waterbodies, the Regional Board is protecting for past and future uses.

COMMENT #: 2-11

COMMENT: *Beneficial uses (multiple areas):* "Malibu Lagoon, Ballona Wetlands, and Rio Hondo should all be classified as 'E' BIOL as they are designated SEAs in the LA County General Plan....Arroyo Seco and Tujunga Wash should be 'E' BIOL because they are designated SEAs...Please designate all SEAs in Table 2-1 as 'E' BIOL."

COMMENTERS: SCOPE

STAFF RESPONSE: SEAs are not automatically designated BIOL. BIOL covers exceptional areas such as the Channel Islands and Sespe Creek. Regional Board staff has received recommendations from the Department of Fish and Game for marine BIOL designations.

COMMENT #: 2-12

COMMENT: *Beneficial uses (Reservoirs various):* DWP drinking water reservoirs are fenced off and public access is prohibited. In addition, DWP does not consider the reservoirs and forebay that they own to be waters of the state. "The reservoirs are integrated components of a treated, closed domestic supply system and are not open to other waters of the state....State drinking water regulations also specify that all distribution reservoirs that supply potable water must be covered....Many of our smaller reservoirs have been covered or replaced with steel tanks. Plans for the remaining larger reservoirs that cannot be covered are being developed with input from homeowner associations to ensure that the social and environmental concerns are addressed."

Drinkwater Reservoir	Part of LA Aqueduct
Dry Canyon Reservoir	Part of LA Aqueduct
Bouquet Reservoir	Part of LA Aqueduct
Santa Ynez Lake	Part of drinking water system
Stone Canyon Reservoir	Part of drinking water system
Hollywood Reservoir*	Part of drinking water system
Lower Franklin Canyon Res.	Part of drinking water system and is cover
Los Angeles Reservoir	Distribution reservoir
Solano Reservoir	Distribution reservoir/is covered
Chatsworth Reservoir	Dry, not planned to be restored
Eagle Rock	Distribution reservoir/is covered
Elysian Lake	Distribution reservoir
Encino Lake	Distribution reservoir
Ivanhoe Lake	Distribution reservoir

Silver Lake  
Elderberry Forebay

Distribution reservoir  
Part of power plant system

\* Has public access outside of waterbody

In addition, Elderberry Forebay is not an existing waterbody from the current Basin Plan.

COMMENTERS: DWP

STAFF RESPONSE: These waterbodies are and have previously been considered waters of the state. Aside from the covered reservoirs, they are not "closed" to the environment and support several beneficial uses. In most cases, existing natural streambeds and washes were dammed up or lined with concrete to create these facilities. These facilities (where appropriate) will all be footnoted to indicate that access is prohibited and uses are therefore limited. The Elderberry Forebay was listed in the previous Basin Plan as part of "Castaic Lake and Forebay." Proposed additions that are covered waterbodies will be limited to just the MUN beneficial use.

COMMENT #: 2-13

COMMENT: *Additional uses for several watersheds: Add the following:*

Santa Clara River Estuary-WARM, BIOL, SPWN  
McGrath Lake-WARM, BIOL, RARE, SPWN, MIGR  
Ormond Beach Lagoon-WARM, BIOL, SPWN, MIGR  
Mugu Lagoon-WARM, BIOL, SPWN, WET  
Ventura River Estuary-BIOL, SPWN, SHELL (for Beach)

COMMENTERS: Surf

STAFF RESPONSE: The new draft includes only the suggested additional beneficial uses that the Department of Fish and Game recommends (see Comment 2-9). WARM will not be added for estuaries or McGrath Lake as EST covers these areas.

COMMENT #: 2-14

COMMENT: *Add waterbodies: San Jon Creek, Allesandro Lagoon, and Silver Strand Beach (SHELL for Pismo Clams) should be listed.*

"Ocean areas near the above listed location should be considered for Areas of Special Biological Significance (ASBS). The combined storm water runoff of the Ventura River and Santa Clara River adversely affect the Ocean sometimes for several miles out into the ocean channel."

COMMENTERS: Surf

STAFF RESPONSE: San Jon Creek, Allesandro Lagoon, and Silver Strand Beach will be added to the Triennial Review list for consideration. ASBS are designated by the State Board and the necessary information would have to be provided to them to consider these areas.

COMMENT #: 2-15

COMMENT: *Ventura River (HU 402.20)-RARE: a) OjaVSD: "Is the notation "condor refuge" correct? The condor sanctuary is generally considered to be the Sespe area, which drains into the Santa Clara River."*

b) (HU 402.10-COLD): OjaiVSD: "What is the basis for this cold designation? It does not appear to be an appropriate designation as the Lower Ventura River does not support a cold water ecosystem. Within the Lower Ventura System including, upstream of the wastewater treatment plant, the surface water temperatures exceed those necessary to maintain or support cold water habitat. While the Lower Ventura River may serve as a migration corridor for steelhead to cold water ecosystems during the wet weather months, one has to question if that is sufficient criteria to regulate the Lower Ventura River as 'cold' water habitat."

c) FVR: Ventura River Estuary should have E for SPWN (Tidewater goby).

d) OjaiVSD: Lower Ventura River (HU 402.10) should not have the SPWN P changed to E because it "does not have suitable spawning grounds, not early development habitat...", the area "serves as a migration corridor to spawning and rearing areas in the Upper Ventura River, Matilija, and San Antonio Creek areas...It could be argued that the Ventura River Estuary qualifies the Lower Ventura River as "SPWN" as an early development habitat. However, the Ventura River Estuary is a much different type of habitat, and is provided with its own waterbody designation, which does not list 'SPWN'."

COMMENTERS: OjaiVSD, FVR

STAFF RESPONSE: a) It is officially a Condor Refuge.

b) A COLD designation delineates habitats that support coldwater species including trout. As the lower Ventura River serves as a migratory corridor (See comment 1-5) and habitat for steelhead trout during portions of its life cycle, this reach has been designated COLD..

c) and d) SPWN will be added to Ventura River Estuary.

COMMENT #: 2-16

COMMENT: *Santa Clara River:* a) SCOPE: MUN and GWR and other use designations: "Several areas in Hydrological Unit 403.51 through 403.55 are incorrectly classified as 'I' MUN and 'I' GWR... Particularly..San Francisquito Creek which is 'E' -MUN, AG, GWR, REC1, REC2, COLD, BIOL, (SEA #19). Another error is the classification of the South Fork. Newhall County Water District has several wells on this tributary for municipal supply which are re-charged by surface and alluvial flows. Tapo Creek, Elizabeth Lake Canyon, and Ague Dulce Canyon are also "misclassified."

b) FVR: Santa Clara River Estuary should have "E" for SPWN (Tidewater goby)

c) CSDLAC: (HU 403.41 and 403.51): "What is the basis for designating [these] reaches with the following new and potential beneficial uses: MUN, RARE, MIGR, and WET (403.41) and MUN, BIOL, RARE, and WET (403.51)? The specific locations on the river, or sub-reaches of waterbodies, that support these uses (in particular RARE and WET) should be delineated in the Basin Plan, since not all of the reach may support or potentially support a given use."

d) SCOPE: Santa Clara River (Hydrological unit 403.21 to 403.55)-COLD: These areas should be classified as COLD "as they support many rare or threatened aquatic life (fish, turtle, and frogs)."

COMMENTERS: SCOPE, FVR, CSDLAC

**STAFF RESPONSE:**

a) and d) These tributaries are intermittent and should be "I". Areas of the Santa Clara River will be designated COLD in a future draft if the Department of Fish and Game concur.

b) Santa Clara River Estuary will be designated SPWN (the Department of Fish and Game agreed with this).

c) As is described in the Basin Plan and in the staff report, these reaches were surveyed and updated uses were designated. Locations of RARE designations are based on the Department of Fish and Game's RAREFIND database. MUN is discussed under Comment 2-7 above. MIGR has been assigned to estuarine areas where aquatic organisms move from salt to fresh water and vice versa. WET is designated based on hydrophytic vegetation and hydrology.

**COMMENT #: 2-17**

**COMMENT:**

*Calleguas Creek watershed-SPWN:* Why is SPWN designated for the Conejo Creek? What species is involved? Are the impacts to the SPWN use water quality-related? Why are other new uses designated for the Calleguas-Conejo Creek system? Why is Clapper Rail (RARE) expanded to include Calleguas Creek. Has Fish and Game made a determination? Is the impact based on water quality or water quantity? Why is RARE designated for Arroyo Conejo (what species?) Is it because of habitat only or has a threatened or endangered species been found? What are the impacts of this designation? California Water Code requires that 'substantial' evidence is required to establish a use."

**COMMENTERS:**

TOaks

**STAFF RESPONSE:**

As is described in the Basin Plan and in the staff report, beneficial uses were added based on field surveys of streams and comments received from a variety of resource agencies. Locations of RARE designations are based on the Department of Fish and Game's RAREFIND database. The Department of Fish and Game is conducting a thorough review of all biological beneficial uses (including SPWN) at this time.

**COMMENT #: 2-18**

**COMMENT:**

*Los Angeles River watershed:* a) Burb: Disagrees with GWR, REC-1 and WARM designations for Los Angeles River (Hydrologic Unit 405.21). They feel that these designations "contradict the statements on page 1-9 which states that, generally, the flows in the stream are dominated by tertiary-treated wastewater effluent from the municipal wastewater treatment plants, urban runoff, and rising ground water in the unlined reaches of the stream. Also, we have not seen any persons swimming or wading in the stream. We also disagree with the statement that GWR as an existing beneficial use of the stream. This totally contradicts the statement on page 1-4 in regard to the existence of rising groundwater conditions in the unlined portion of the stream."

b) LACity disagrees with the REC1 designation for certain reaches of the Los Angeles River. "...the Los Angeles River was modified with concrete bottom and side slopes by the U.S.Army Corps of Engineers to control storm water flows, and as such there was no intention for the river to be utilized as a recreational area as defined. Portions of the river may occasionally be utilized by a number of individuals in a REC1 capacity...As there appears to be limited potential to modify existing conditions to create a situation where a REC1 designation would apply, we request that the REC2 designation be assigned as it more accurately reflects the river's actual and potential recreational uses."

c) CSDLAC: "In what hydrologic unit and reach are the Santa Fe Spreading Grounds located (Rio Hondo River or San Gabriel River or both)?"

d) FoLAR recommended additions:

"Estuary (405.12)

- FRESH(E): this area provides a hydraulic gradient to balance sea-water intrusion
- WARM (E): Much of the estuary is freshwater and provides WARM habitat.
- SAL (E): The most southern portion of the estuary, approximately from Anaheim St to Queensway Bridge, is an inland saline habitat as defined.
- MIGR (P) and SPWN (P): The nature of this habitat as defined by WARM, suggest that it may be the site of migration by some species....fish migration has been documented historically.
- WET (E): See above comments regarding which show WET definition to be appropriate.

Los Angeles River to Estuary (405.12)

- REC1 (I): The public is often observed bathing, wading, and playing near the concrete invert. Photographic evidence available.

Los Angeles River (405.15)

- IND (P), PROC (P): Industrial use is a potential use for similar reason it is for watershed

Los Angeles River to Estuary (405.12)

- REC1 (I): see REC1 above
- WARM (E): Although portions of the Los Angeles River are adversely affected by concrete lining, some natural systems prevail. Portions of the concrete section are covered by a laminar water surface which provides a habitat for micro-invertebrates. These are fed upon by black-necked stilts, American avocets, plovers, and other birds.

Los Angeles River (405.21)

- IND(P) and PROC(P): See IND and PROC above.
- FRSH (E) The soft bottom section in Sepulveda Basin and in Elysian Park provide for maintenance of surface water quantity and quality by slowing the river flow with vegetation and sand bars. Although these areas are quite small, they do provide control of quantity (pools store water, shrubs decrease water velocity) and quality increases contact time with micro-organisms attached to river bed material and aquatic plants). This water treatment provides some water quality modification before it arrives at the estuary.

Compton Creek (405.15)

- FRSH (E): According to the U.S. Army Corps of Engineers, Compton Creek is the slowest velocity creek in the area....freshwater is retained maintaining water quantity.
- REC1 (I): Homeless people commonly live in and near the channel. It is likely they use the water for bathing and washing....
- MIGR (P): Because of the creek's proximity to the ocean, it is a likely place for anadromous fish, if the concrete lining were removed between the creek and the Los Angeles River Estuary. Water quality in Compton Creek would need to be improved significantly.
- WET (E): Based on observation and existing habitat, the lower two miles of Compton Creek provide habitat as defined.

Rio Hondo (405.15, 405.51)

REC2: The channel bike trail and riverside parks along the Rio Hondo provide access to the channel on a regular basis. People are often seen recreating in and around the channel. Activities include, biking, walking, sun bathing, aesthetic enjoyment, and sports activities. Photographic evidence is available.

WILD(I): Although the concrete has adversely affect the channel and water flow is extremely low, wildlife is seen using the channel intermittently. Various duck species, burrowing owls, egrets and other wildlife frequent the area.

All areas above Hansen Dam should be designated as COLD (E) because of existing trout populations."

COMMENTERS:

Burb, LACity, CSDLAC, FoLAR

STAFF RESPONSE:

a) Regional Board staff have witnessed many people wading or otherwise immersed in the river. GWR is a beneficial use of the unlined portion of the river. Depending on the use of the wells adjacent to this unlined reach, and current groundwater levels (drought/non-drought related), this can be either a "gaining" or "losing" reach.

b) Both REC1 and REC2 are attained in the Los Angeles River. REC1 is only designated as "potential" for most of the river.

c) Santa Fe spreading grounds are in the reach "San Gabriel River between Morris Dam and Ramona Blvd" (Figure 2-9) and in Hydrologic unit 405.41(Appendix one).

d) Suggested designations, FRESH and SAL are not correct interpretations of these beneficial uses. WARM in the estuary has been replaced by the EST designation. WET will be added for estuary and some of the other reaches. SPWN and MIGR will only be added (Fish and Game concurs). REC1 and REC2 are already listed for these streams and will be added in some cases. IND will be added. PROC may be added with sufficient documentation. REC2 on the Rio Hondo will be changed to "E" and WILD will be changed to "I". More areas of Big Tujunga Canyon Creek and Upper Tujunga Canyon Creek and tributaries will be designated as COLD, in a future draft, if the Department of Fish and Game concur.

COMMENT #: 2-19

COMMENT:

*San Gabriel River watershed:* a) "The reaches of San Jose Creek indicated on Table 2-1 should also be delineated on Figure 2-9 to make it possible to evaluate the proposed water body designation and its proposed beneficial uses...Does the changes in name indicated for the Whittier Narrows to Firestone reach of the San Gabriel River affect only the name, or has the reach's northern boundary also been changed (i.e., Figure 2-9 shows the reach's northern boundary as Ramona Blvd.)? The segments of the San Gabriel River in Table 2-1 do not match the reaches indicated on Figure 2-9..."

b) *(from Firestone Blvd. to Estuary):* Questions the designation of WARM, WILD and GWR. "As noted on p. 4-27 of the draft Update, channelization among other things, 'results in permanent elimination of habitat.' Given that this reach is lined with concrete (and will continue to be for the foreseeable future), we recommend that these beneficial uses not be designated....The December 1992 version of the existing Basin Plan states that: 'This reach of the river is concrete lined and ground water recharge is not a beneficial use of the water.' (p. 40, footnote e) We do not believe that this condition has changed; therefore, we recommend that the intermittent GWR beneficial use not be added for this reach."



COMMENTERS: CSDLAC

STAFF RESPONSE: a) The overlay (which may be copied onto transparency film; the Regional Board does not have the resources to provide acetates for the draft versions of the plan) may be overlain on most of the regional figures for reference. The dotted lines on Figure 2-9 are intended to delineate the reach boundaries for the *objectives* not the beneficial uses. Unfortunately, the Basin Plan, as written in 1975, uses two different systems for delineating reach boundaries for beneficial use and for objectives, and this inherited system will inevitably lead to some confusion. These two systems do not match up for many areas. The Regional Board staff feels that the new format of the beneficial use tables (using the watershed approach) should help clarify the boundaries.

b) WARM and WILD uses are existing uses from the current Basin Plan. This channel supports algal and invertebrate populations. Large populations of birds congregate and have been seen feeding in the lower portion of the concrete channel. The designation of "I" for GWR has been removed from the new draft.

COMMENT #: 2-20

COMMENT: *Los Posas basins:* The definition of the North and South Las Posas basins have been questioned as a result of the recent investigation by the United States Geological Survey. "The south side of East Las Posas Basin contains the poorest quality water. This low quality water is migrating toward areas containing higher quality water. While Calleguas is concerned about this condition, and can help manage it, we recognize that there is a history of poor quality groundwater in the region and that this prior condition needs to be considered in establishing water quality requirements on discharges [specifically South Las Posas and Simi Basins]. Indeed, discharges from SVCSD's treatment plant have actually improved that area's natural water quality and has allowed for continued legitimate beneficial uses...a cooperative effort [should] be undertaken with the RWQCB in determining appropriate water quality objectives."

COMMENTERS: Calleg

STAFF RESPONSE: The boundary between North Las Posas and South Las Posas corresponds to a structural high in the bedrock. Differences in the background quality of ground waters in Simi Valley versus the North Las Posas versus South Las Posas have been factored into water quality objectives.

COMMENT #: 2-21

COMMENT: *San Clemente Island basins:* USNavy feels that there is no "possible" groundwater beneficial use at San Clemente Island. Specifically, there is "no history of well water use, any groundwater would be near sea level and brackish, our landfill elevation is approximately 700 feet, there is low permeability soil at our landfill, [and] an average rainfall of four-five inches."

COMMENTERS: USNavy

STAFF RESPONSE: The potential MUN designation of ground water reflects the State's *Sources of Drinking Water Policy*, which was incorporated into the current Basin Plan in 1989.