

Attachment 1. POLA Comments on “Total Maximum Daily Loads for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters, Draft: Water Quality Assessment, Problem Statement, Numeric Targets,” May 2008

While The Port of Los Angeles acknowledges that some specific areas of the harbors have elevated levels of sediment contamination, we believe the impairment by pollutant presented in the “Draft: Water Quality Assessment, Problem Statement, Numeric Targets document” (The Problem Statement) requires some refinement. For example, we believe current data may not support several listings in the Inner and Outer Harbor and that use of these broad spatial definitions may need to be reconsidered given the apparent heterogeneity (e.g. isolated “hotspots”) of contamination.

We have the following general comments as follows:

General Comment: 1

Please clarify to stakeholders the TMDL development process going forward—what are the next steps? Since this document is in “stakeholder draft” form with some missing sections, we assume we will have the opportunity to comment further after the initial stakeholder comments are taken into account and the document revised.

General Comment: 2

Please clarify the matrix for each 303 (d) listing. In reading this document, one could assume from the tables that there are only listings for sediment and tissue. In conversations with staff, however, reference to water column listings were made.

General Comment: 3

The areas to be included under the Dominguez Channel & Harbors Toxics TMDL need to be defined clearly and the responsible agencies in the watershed(s) need to be identified by area of ownership and percentage owned in table and map format. This is very important for determining what areas are to be addressed by the TMDL and how cost-sharing agreements between the responsible agencies will be drafted.

General Comment: 4

Please clarify the purpose of recounting the 1998 and 2002 listings. Is this a requirement for the document? Why not just describe the 2006 (current) listings and describe additions and deletions that were made prior to current listings?

General Comment: 5

In Section 3, numeric targets are discussed. Please clarify how these will be used (concentration or loading). In addition, please explain how the waste load allocations and load allocations will be converted to daily load expressions.

General Comment: 6

The Port is concerned with the use of Effects Range-Median (ER-M) values and Probable Effects Levels (PELs) as listing criteria and Effect Range Low (ER-L) values as numeric targets. The use of chemical specific sediment quality guidelines (e.g., ER-Ms and PELs) alone to assess impairment is not recommended by scientists that specialize

in assessing sediment quality. The weight of evidence approach that examines multiple lines of evidence to determine biologic impairment is more scientifically sound. Current sediment characterization methods are available (sediment quality triad, sediment toxicity identification evaluations [TIEs]) and are being developed (State of California Sediment Quality Objectives [SQOs]). The use of ER-Ms and ER-Ls are cited in The Problem Statement as “use of best professional judgment” for developing listings and numeric criteria while no criteria in either CTR or the Basin Plan exist. We contend that using multiple lines of evidence as best professional judgment could be applied since no criteria for sediment in either CTR or the Basin Plan exist. This approach is also consistent with the developing State SQOs. How might SQOs be utilized in this TMDL development process?

General Comment: 7

The Problem Statement should clearly define what data were used to support each listing. It appears data sources used to evaluate the waterbody by pollutant in the Problem Statement may have included dredge material studies.

From the Problem Statement: “We extracted records from 1992 to 2001, including results from Bay Protection Toxic Cleanup Program (1992, 94, 96, 97), Bight 1998, Western EMAP 1999, and dredge studies.”

Evaluation studies of dredge material are not suitable sources of data for this water quality assessment. These sediments have been removed from the system, and the data from these sources are not representative of current conditions within the Inner and Outer Harbor. These data sources should be excluded from the assessment. Furthermore, many of the sediments evaluated in these earlier monitoring programs have subsequently been removed via dredging. The Port will continue to work with EPA and the Regional Board to provide information on dredging extent and chronology.

Recent statistically valid and relevant datasets include the Bight sampling data from 1994, 1998, and 2003 and the 2006 Port TMDL studies. Data from these studies are comparable because they represent the top few centimeters of sediment, the number of samples within these datasets is robust, and the sampling design employed a stratified random statistical approach. The combination of the four studies provides good spatial coverage for a valid characterization of existing conditions (with the caveat that older studies include may include sediment that has been removed). Using these data sets and would provide a more accurate assessment of the chemical concentrations in the surficial sediments. We believe a review of this more appropriate data may result in different listings within the Inner and Outer Harbor waterbodies.

General Comment: 8

Please discuss in greater detail how fish data were used to support the DDT and PCB tissue listings. We are concerned that appropriate species (resident vs. transient, consumable vs. non-consumable) and recommended listing procedures (quantity and quality of data) were not implemented to support the listing in each of the waterbodies. For example, the DDT listing was determined from 4 out of 18 fish samples collected throughout four separate waterbodies. In addition, the predominant fish evaluated were non-consumable fish, however, linkage were made to human health risk.

The assumed direct relationship between sediments within the Los Angeles Harbor Complex to fish tissue concentrations of fish collected within the Harbor Complex

requires further examination. A clean up standard in sediment can not be determined for the reduction of fish tissue concentrations without drawing a clear relationship between the two media. As with evaluating impairment of sediments, a single sediment quality guideline will not be adequate to confirm or deny bioaccumulation risk. A more robust, scientifically sound method for estimating potential risk via bioaccumulation is required. Finally, the proposed sediment quality guidelines are inappropriate because they were not developed to evaluate potential effects through bioaccumulation and/or trophic transfer of sediment –associated contaminants.

In addition, reducing sediment concentrations of DDTs and PCBs in Inner and Outer Harbor will likely be ineffective in reducing fish tissue concentrations because of the elevated levels outside the harbor area and the migratory nature of many fish species. From the Bight 03 report, “An estimated 71% of the Southern California Bight area had detectable levels of total DDT in sediments. Total DDTs averaged 20 ± 17 ug/kg. The highest total DDT concentrations were observed on the Palos Verdes shelf.” Sediment data suggest this area continues to be a major source of input into the Inner and Outer Harbors. The DDT continues to be in the food web and the significant problem lies outside these waterbodies. The question of the fate of DDT remains and further studies are planned as a part of Bight 08. The four waterbodies make up approximately 0.2% of the entire Bight therefore cleaning up 0.2% of the Bight when 71% of the total Bight area had detectable levels of DDT in sediments is not a viable solution to the DDT problem. Sources outside the jurisdiction of this TMDL are significant; therefore, a TMDL within the harbor will not solve the problem.

General Comment: 9

It is unclear from The Problem Statement what data were used to support the listing for sediment toxicity. The Problem Statement should clearly define what data were used to support the listing. The listing should not be based on sediment toxicity data collected to support completed dredge and remediation studies; due to the fact that those sediments are no longer contributing to impairment.

General Comment: 10

Please discuss the TMDL Fact Sheets used to generate the listings. Please provide the current Fact Sheets to stakeholders.

General Comment: 11

Please make greater use of maps and graphics to illustrate waterbody assessments.