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February 14, 2011

California Regional Water Quality Control Board
Los Angeles Region
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ATTN: Thanhloan Nguyen, TMDL Unit

Re: Comments on a Proposed Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate Total Maximum Daily Loads for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) for Toxic Pollutants in the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. While Caltrans strongly supports the Los Angeles Regional Water Quality Control Board (LARWQCB) efforts to protect human health and achieve the highest standard of water quality possible, this TMDL has the potential to significantly affect Caltrans operations and management without providing equivalent water quality benefit. Our concerns are as follows:

Impaired Region Covered by the TMDL

In the December 2010 Draft Staff Report, the exact boundaries of the watersheds that are addressed by this TMDL are not clearly delineated. Figure 2-1 (page 12) highlights the impaired waterbodies included in the TMDL, and Figure 4-1 (page 67) shows subwatersheds and portions of the watersheds. However, the TMDL does not show the full extent of the watersheds that drain to each water body. Please provide more clarity to the boundaries of the watershed as well as sub watersheds draining to the watershed that are impaired and included in this TMDL.

Section 7.3.2 of the Draft staff report on page 109, states that "Phase I should include actions to be implemented throughout the nearshore watershed and specific implementation at the Ports" for the Greater Los Angeles and Long Beach Harbor waters. However, the TMDL does not define the "nearshore watershed". It is not clear if the requirements for Phase I apply only to the regions labeled as "nearshore areas" in Figure 4-1 (page 67). To clarify which pollutant types are included in each subwatershed, please include a table clearly listing all of the subwatersheds that are covered specifically for different requirements in the TMDL. This information should also be clearly presented and noted in the figures.

Caltrans' Area Estimate and Waste Load Allocation

The Draft Staff Report includes an estimate of Caltrans' point source area in the Great Harbors and Dominguez Channel watershed of 618 acres and states that this comprises about 2.4% of the watershed area (page 57). However, it is not clear how this area was estimated. The area estimates should describe what parts of the watershed were taken into account.

In addition, it is our understanding that the waste load allocations (WLAs) assigned to individual stormwater permittees (including Caltrans) were estimated based on each permittee's area in the watershed that drains to the impaired waterbody. Thus, Caltrans received a WLA for each pollutant equal to its percentage of the watershed and the overall load that each waterbody can handle. Please verify if this assumption is correct.

Numeric Targets

The numeric targets used in the TMDL are estimated using a hardness of 49 mg per liter measured by the Los Angeles County Department of Public Works (LACDPW) at a single location, Dominguez Channel at Artesia Boulevard (Site S28). This hardness value is significantly lower than much of the current data reported by LACDPW for locations throughout the TMDL area (Los Angeles County, 2010). In addition, hardness values for dry weather monitoring at Site S28 for the 2009-2010 monitoring period range from 290 to 390 mg per liter. A presentation for this TMDL given on June 28, 2006 by the LARWQCB and EPA showed hardness values that ranged from 197 to 400 mg per liter for flow conditions ranging from base flows to large flows (no reference source was noted for the data). Hardness has a huge impact on the bio-availability of metals in the environment, and it is critical that the correct value is used. Please review all the available hardness data for each impaired waterbody and ensure that the most accurate estimates are made. Please also provide the specific data sets that are used to estimate hardness in the TMDL staff report.

Monitoring Plan

The TMDL requires an extensive monitoring program, including sediment chemistry monitoring at more than 22 sites, fish tissue monitoring, and water column monitoring. Two toxicity tests and four benthic indices are required in compliance with the Sediment Quality Objectives (SQO) Part I. The TMDL compliance schedule requires that the monitoring plan be submitted six months after the effective date of the TMDL. In addition, the staff report recommends that this program be coordinated with the biological baseline and Bight regional monitoring programs. This is a complex TMDL that will require lengthy coordination and preparation. We request that the short timeline be extended to allow stakeholders sufficient time to develop an effective monitoring plan that can be coordinated with the different stakeholders in each region.

Monitoring is ongoing to comply with the TMDL for Metals in the Los Angeles River and tributaries. Please clarify if the ongoing monitoring can be used to comply with the Dominguez, Greater LA and LB Harbor TMDL for toxicity.

Assessment Findings for Waterbodies in the TMDL

The staff report discusses the monitoring results and data that were used to develop TMDLs, load allocations (LAs), and WLAs for the impaired waterbodies. In several of the waterbodies, monitoring showed that some pollutant levels are already meeting numeric targets. The TMDL retains the compliance requirements for many of these pollutants. Additional data should be obtained prior to requiring stakeholders to conduct monitoring and implement BMPs for these pollutants to insure the

best solution for these impairments.

The staff report states that although sediment toxicity has been observed in the Outer Harbor, “no individual contaminants were above sediment guidelines in more recent studies” and that “to date no reliable measurements of metals or PAHs in water exists” (page 40). However, WLAs are included in the TMDL for both metals and PAHs. At this time, the data sets do not support a correlation between metals or PAHs and the sediment toxicity.

The staff report states that in Cabrillo Marina, “sediment results did not show elevated levels of metals or other organic compounds” and “very few reliable measurements of aqueous metals or organics exist in this waterbody; no exceedances have been recorded” (page 40). As with Outer Harbor, WLAs are included in the TMDL for both metals and organics and the data do not currently support a correlation between metals or organics and the sediment toxicity.

The Los Angeles River Estuary “is not impaired for lead and zinc according to the 2008 303 (d) list, although it was on the 2006 303(d) list” and sediment toxicity has been observed (page 41 of the TMDL staff report). In addition, the staff report states that “very few reliable measurements of aqueous metals or organics exist in this waterbody [and] no exceedances have been recorded” (page 41). Therefore, the requirements for the Los Angeles River Estuary should not include WLAs and monitoring for organics, lead, zinc, and other aqueous metals.

In San Pedro Bay, “sediment results do not show exceedances for metals nor PCBs, nor other organics”, although sediment toxicity has been observed in several samples. In addition, the staff report states that “the waterbody is not impaired for chromium, copper, zinc, and total PAHs and these listings have been removed from the 2008/2010 303(d) list” (page 41). However, the TMDL includes WLAs for copper, zinc, and PAHs even though these are not included on the new 303(d) listings. Furthermore, the TMDL includes requirements for lead, PCBs and DDT for San Pedro Bay even though sediment results do not show exceedances for these constituents.

Finally, the staff report states the Inner Cabrillo Beach “is not impaired for copper.” Therefore, the Regional Board should pursue de-listing of the water body for copper.

Whole Effluent Toxicity

The TMDL staff report does not discuss the proposed Whole Effluent Toxicity (WET) policy under review by the State Water Resources Control Board. This TMDL should be either compatible with the WET policy or pre-empt the policy. As with the proposed WET policy, the TMDL should initially require only monitoring for toxicity. If toxicity is not found in a water body, then it should be a lower priority to do monitoring for the individual pollutants. If toxicity is found, a toxicity identification evaluation (TIE) or additional monitoring could be required consistent with the WET policy to identify the pollutant(s) causing the toxicity.

Funding:

Due to limited competing resources, and having to address 70 active TMDLs statewide (with many in the pipeline), Caltrans is facing a challenge to address the TMDLs outside of the funding allocated to applicable highway projects. Caltrans does not have the authority to impose user or utility fees to pay for the TMDL implementation. Caltrans requests that the difficulty in funding be acknowledged and that language be added to the TMDL to allow for flexibility in implementation during times of funding challenges.

Ms. Thanhloan Nguyen
February 14, 2011
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Again, thank you for the opportunity to comment. If you have any questions, please contact Joyce Brenner of my staff at (916) 653-2512.

Sincerely,



G. SCOTT McGOWEN
Chief Environmental Engineer

c: Joyce Brenner, Office Chief, Program Implementation
Paul Thakur Department of Transportation, District 7

References:

LACDPW 2010, Los Angeles County 2009-10 Stormwater Monitoring Report.
<http://ladpw.org/WMD/npdes/2009-10tc.cfm>

