



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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Chief Engineer and General Manager

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Ms. Thanhloan Nguyen
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Dear Ms. Nguyen:

**Comments on the Proposed Amendment to the Water Quality Control
Plan - Los Angeles Region, Dominguez Channel and Greater Los Angeles and
Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load**

The County Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to provide comments to the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) on the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load (Harbor TMDL). The Sanitation Districts are a confederation of 23 individual special districts providing wastewater and solid waste management services to over 5 million people in Los Angeles County, including 78 cities and unincorporated areas within the County. The adoption of this proposed TMDL will impact a number of the Sanitation Districts' wastewater and solid waste facilities, including: the Long Beach, Los Coyotes, Pomona, San Jose Creek, and Whittier Narrows Water Reclamation Plants (WRPs); Puente Hills, Spadra, and Scholl Canyon Landfills; Downey Area Recycling Transfer Facility; Commerce Refuse-to-Energy Facility; and South Gate Transfer Station, since monitoring and implementation requirements were identified for all dischargers in the Los Angeles and San Gabriel River watersheds.

The Sanitation Districts support the Regional Board's effort to reduce toxic pollutant loadings in the Dominguez Channel and Los Angeles and Long Beach Harbors. Furthermore, the Sanitation Districts concur that upstream dischargers in the Los Angeles River and San Gabriel River watersheds are implementing other TMDLs that support the goal of the Harbor TMDL and should not be assigned waste load allocations (WLAs) at this time. In terms of the Los Angeles River Estuary portion of the TMDL, however, the Sanitation Districts request that the Regional Board clarify that WLAs are only assigned to facilities that discharge directly into the estuary, and not to all discharges throughout the Los Angeles River watershed. Additionally, the Sanitation Districts believe that the recently developed multiple line of evidence (MLOE) approach employed in the State Water Resources Control Board's sediment quality objectives should now be used to assess sediment impairment. These comments are discussed in further detail below.

Clarify Assignment of Waste Load Allocations for Los Angeles River Dischargers

The Harbor TMDL includes assignment of WLAs for the Los Angeles River (LAR) Estuary portion of the TMDL. As written, WLAs for the Los Angeles River Estuary are assigned to "LAR dischargers" in general, as well as to several other specific entities. While it appears to be the intent of the Regional Board to

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only assign WLAs to facilities discharging directly to the LAR Estuary, the language in the Harbor TMDL could easily be misinterpreted as assigning WLAs to all dischargers in the LAR watershed. Therefore, the Sanitation Districts request that this language be clarified.

Use Multiple Lines Of Evidence to Identify Impairment

The Harbor TMDL utilizes sediment quality guidelines, including Effects Range Low (ERL) and Threshold Effects Concentrations (TECs), for the establishment of numeric targets for contaminants in sediments. The continued use of such guidelines to establish acceptable contaminant concentrations in any particular sediment is inappropriate, since ERLs and TECs do not take into account critical, site-specific factors that can alter the toxic effects of sediment associated contaminants. Instead, the Sanitation Districts believe the MLOE approach should now be used to assess initial impairments, define numeric targets for TMDLs, and monitor for recovery after management action has been taken. This recommendation is consistent with the State Board's Water Quality Control Plan for Enclosed Bays and Estuaries of California, Sediment Quality Objectives, Part 1 (SQO Policy), which became effective August 25, 2009. The SQO Policy requires assessments of sediment quality to employ an MLOE approach to appropriately interpret the narrative objective for aquatic life and pollutants in sediments. This is accomplished by integrating the following three lines of evidence to determine if a beneficial use of a particular water body is being protected:

(1) *Sediment Toxicity*- This is a measure of the response of invertebrates exposed to surficial sediments under controlled laboratory conditions, and it is used to assess pollutant-related biological effects and exposure. Sediment toxicity tests are of short duration, and as such may not exactly duplicate exposure conditions in natural systems, but it does provide a measure of exposure to all pollutants present, including non-traditional or unmeasured chemicals;

(2) *Benthic Community Condition*- This is a measure of the composition, abundance and diversity of sediment-dwelling invertebrates inhabiting surficial sediments. It is used to directly assess impacts to the actual aquatic life beneficial use targeted for protection, by measuring the biological effects of both natural and anthropogenic stressors; and

(3) *Sediment Chemistry*- This is a measurement of the concentration of chemicals of concern, and it is used to assess the potential risk to benthic organisms from toxic pollutants in surficial sediments. Sediment chemistry is intended only to evaluate overall exposure risk from chemical pollutants, as it does not establish causality associated with specific chemicals.

The Harbor TMDL Implementation Schedule specifies that six years after the Harbor TMDL is adopted, the Regional Board will consider developing TMDLs for upstream Los Angeles River and San Gabriel River dischargers. The Sanitation Districts request that any such TMDLs are only developed if the MLOE approach shows on-going impairment.

The Sanitation Districts thank you in advance for your careful consideration of our comments and suggested modifications. If you have any questions concerning this letter or need additional information, please contact Shannon Grund at (562) 908-4288, extension 2843 or sgrund@lacsds.org.

Very truly yours,

Stephen R. Maguin



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