



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

February 15, 2011

VIA E-MAIL AND US MAIL

Mr. Samuel Unger, P.E.
Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Dominguez Channel and Greater Los Angeles and Long Beach Harbor
Waters Toxic Pollutants TMDL

Dear Mr. Unger,

The letter is being submitted in order to provide comment on the proposed Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load.

The City of Rolling Hills supports achieving and maintaining clean water and wants to directly address those goals. Rolling Hills, as a municipality and in its geography, is unique. The City is by design a low density, low impact, rural residential community with primary drainage conveyed via natural canyons. The City is comprised of private property with no public rights-of-way and no city-owned or maintained storm drains. There is no industrial or commercial land use within the City. The City's zoning regulations and General Plan limit development and preclude large impervious surfaces and prescribe that the smallest lot is at least one-acre in size. The City limits lot disturbance to 40% and the remaining area of the lot must remain in its natural state to preserve established native flora and natural features of the lots. Only 35% of the net lot area may be developed with impervious surfaces, including all structures, patios and other paved areas. These measures have the net effect of retarding and limiting the transport of pollutants into water ways.

Source control is the primary means available to the City for maintaining and improving water quality; structural control/treatment devices are not technically feasible or environmentally appropriate in natural canyons nor does the City have easements in the canyons which are the primary means of conveying stormwater from the City. Some areas of the City are prone to unstable geology which may limit onsite retention of stormwater beyond that which can be achieved by preserving pervious area and natural topography and vegetation.

The City of Rolling Hills is committed to protecting the beneficial uses of receiving waters. However, less than 1 square mile of the City of Rolling Hills is tributary to the 133 square mile drainage area of the waters subject to this TMDL. The City has

Unger

February 15, 2011

Re: Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters
Toxic Pollutants TMDL

Page 2 of 6

dedicated significant resources to monitoring and implementation activities for compliance with the Machado Lake Nutrient and Trash TMDLs and will be required to expend additional resources to comply with the Machado Lake Toxics TMDL.

In light of these considerations, the City of Rolling Hills would like to request clarification regarding the proposed TMDL as well as to offer comments for the Board staff's consideration as follows:

1. The City of Rolling Hills has been mistakenly listed as a responsible party under the Dominguez Channel, Torrance Lateral, and Dominguez Channel Estuary MS4 Permittees. The City of Rolling Hills should only be listed as a responsible party under the Greater Los Angeles Harbor Waters MS4 Permittees, since the only drainage from the City of Rolling Hills into this watershed is to nearshore subwatersheds as depicted in Appendix III page III-40 Figure III-2 of the Regional Board staff report. The attached map of Regional Drainage of the City of Rolling Hills prepared by Geosyntec Consultants delineates stormwater runoff from the City of Rolling Hills as being tributary to three receiving waters: the Santa Monica Bay, Machado Lake, and Los Angeles Harbor nearshore. No runoff from the City of Rolling Hills is tributary to either Dominguez Channel, Torrance Lateral or the Dominguez Channel Estuary. Please remove the City of Rolling Hills from the list of responsible parties for the Dominguez Channel, Torrance Lateral and Dominguez Channel Estuary.

Relative to the City's inclusion for the Greater Los Angeles Harbor Waters,

2. To allow for a cost-effective approach to monitoring, it would be helpful for MS4 agencies to have the option to comply with either a concentration based or mass based standard so that MS4 agencies would be able to align monitoring requirements for other TMDLs. For example, the Machado Lake Toxics TMDL has assigned only concentration-based WLAs based on analysis of the sediment fraction from stormwater discharges at the outfall of the MS4 agencies' discharge; it would be useful to allow a similar approach for compliance with LA Harbor TMDL standards so that a single monitoring plan could be developed for both water bodies by an MS4 agency or group of agencies such as the Peninsula Cities have done for the Machado Lake Nutrient TMDL.
3. Page 31, Under Implementation, Item 5, second paragraph of the proposed Basin Plan Amendment states:

The compliance point for the stormwater WLAs shall be at the storm drain outfall of the permittee's drainage area. Alternatively, if stormwater dischargers select a coordinated compliance monitoring option, the compliance point for the stormwater WLA may be at a storm drain outfalls or at a point in the receiving water, which suitably represents the combined discharge of cooperating parties discharging to Dominguez Channel and Greater Los Angeles and Long Beach Harbor waters.

Unger

February 15, 2011

Re: Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters
Toxic Pollutants TMDL

Page 3 of 6

Depending on potential BMPs implemented, alternative stormwater compliance points may be proposed by responsible parties subject to approval by the Regional Board Executive Officer.

We appreciate the option to comply at the outfall of the permittee's drainage area or at a coordinated compliance monitoring point as this is clearly a means for the City to demonstrate that it is doing its part to achieve the TMDL objectives. However, the TMDL as currently written does not explicate the Waste Load Allocations (WLAs) for such a compliance option. Please clarify whether the individual WLA for an MS4 Permittee is to be calculated as its share on an area basis of the mass-based WLA, or whether a concentration-based WLA is applied, or whether either approach can be used depending on the type of monitoring program to be proposed. Please clarify/confirm that if an MS4 Permittee chooses to comply at the outfall of its drainage area as described in the excerpt above, that the WLAs in fish would not apply to such an agency, but rather the WLA associated with the suspended solids fraction of the discharge would be sufficient to demonstrate compliance with the outfall-based WLAs in the discharge.

4. Throughout the document it states that responsible agencies are each individually responsible for conducting water, sediment and fish tissue monitoring, but that they are encouraged to collaborate or coordinate efforts to avoid duplication. With respect to fish and bed sediment monitoring in the receiving water, this is an unwieldy and difficult requirement to share, necessitating undue inter-agency coordination and staff time. The City believes that the responsibility for monitoring fish and bed sediments should be assigned to the agencies within whose jurisdiction(s) the fish and bed sediments lie since they are directly responsible for the operation of those water bodies. Such an approach has been utilized in the Machado Lake Toxics TMDL.
5. DDT was widely used in California in agriculture and for control of mosquitoes and other disease carrying insects. Its use in California peaked in the late 1960's¹, and it was officially banned by USEPA in 1972. Chlordane was used for the control of insects in lawn, home and agriculture and in particular for the control of termites from 1944 through 1988. In 1984 USEPA halted the manufacture and sale of chlordane for all uses except the control of termites, and it was banned for all uses in 1988.² Dieldrin was an insecticide used in agriculture and also for mothproofing clothes and carpets. The U.S. EPA cancelled agricultural uses of Dieldrin in 1970; termiticide uses were cancelled in 1987³. PCBs are regulated under the Federal Toxic Substances Control Act

¹ California Department of Food and Agriculture. September 1985. Agricultural Sources of DDT Residues in California's Environment: A Report Prepared in Response to House Resolution No. 53 (1984).

² <http://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=354&tid=62>

³ http://www.cdc.gov/exposurereport/data_tables/AldrinDieldrin_ChemicalInformation.html

Unger

February 15, 2011

Re: Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters
Toxic Pollutants TMDL

Page 4 of 6

(TSCA); however, action levels for the management and control of PCB residuals under TSCA (50-500 parts per million, i.e., 50-500 mg/kg)⁴ are currently several orders of magnitude higher than the concentrations being set by this TMDL of 3.6 parts per *billion* (3.6 µg/kg) in sediment and fish tissue. The City is concerned that this TMDL shifts the responsibility for controlling the residuals in soils to the cities, when the regulatory responsibility for these chemicals has always been with the California Department of Toxic Substances, the U.S. Environmental Protection Agency, and the Los Angeles Regional Water Quality Control Board. Addressing trace levels of these contaminants that may exist as background in soils throughout the watershed due to historic and ubiquitous use is beyond the fiscal resources of municipalities and outside the scope of reasonable municipal responsibility.

6. The WLAs assigned to point source discharges other than MS4 agencies such as the General Construction Permittees and the General Industrial Permittees and other point source dischargers are listed as water column concentrations. The WLAs for such point source dischargers should include analysis of the suspended solids fraction of the discharge in the water sample for the bioaccumulative compounds Chlordane, DDT, Dieldrin, Total PCBs and PAHs because these compounds are hydrophobic. For construction sites in particular these pollutants, if present in stormwater discharge, would be associated with soils or sediments discharged from the site rather than dissolved in water. Please clarify whether the water column based WLAs for point source discharges require the collection of suspended solids and analysis in the bulk sediment fraction as described under water column monitoring on page 21 of the Proposed Basin Plan Amendment, in which case the WLA should be expressed as ug/kg on a dry weight basis in the sediment fraction. This was also done in the Machado Lake Toxics TMDL by requiring stormwater samples from all categories of permittees, whether MS4 or General Industrial or Construction permittees, to be analyzed for total suspended solids and that sampling be designed to collect sufficient volumes of suspended solids to allow for analysis of the bioaccumulative pollutants in the bulk sediment.
7. Unless the two superfund sites in the Dominguez Channel Watershed are controlled and the Records of Decision for those sites developed consistent with the TMDL, the other WLAs for DDT and Toxicity in this TMDL will be irrelevant. The two sites should be monitored separately from MS4 agencies' discharges. The Montrose Superfund Site, as the Regional Board is well aware, is the primary cause of the Palos Verdes Shelf Superfund Site and may also be responsible for a majority of the DDT contamination in the Dominguez Channel and the Los Angeles Harbor. This TMDL is, indeed, a relevant and appropriate requirement (ARAR) for those sites.

⁴ Environmental Protection Agency 40 CFR Part 761 [EPA-HQ-OPPT-2009-0757; FRL-8811-7] RIN 2070- AJ38 Polychlorinated Biphenyls (PCBs); Reassessment of Use Authorizations

Unger

February 15, 2011

Re: Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters
Toxic Pollutants TMDL

Page 5 of 6

8. This TMDL places sole responsibility for control of indirect air deposition of metals on the MS4 agencies when they have no jurisdictional authority over the sources of those pollutants, either mobile (trucks, automobiles) or stationary (industrial sources, boilers, etc.). This limited jurisdiction is acknowledged by the Los Angeles Regional Water Quality Control Board in finding B.2. *Nature of Discharges and Sources of Pollutants* in the LA County MS4 Permit as follows:

Certain pollutants present in stormwater and/or urban runoff may be derived from extraneous sources that Permittees have no or limited jurisdiction over. Examples of such pollutants and their respective sources are: PAHs which are products of internal combustion engine operation, nitrates, bis (2-ethylhexyl) phthalate and mercury from atmospheric deposition, lead from fuels, copper from brake pad wear, zinc from tire wear, dioxins as products of combustion, and natural-occurring minerals from local geology. However, the implementation of measures set forth in this Order is intended to reduce the entry of these pollutants into stormwater and their discharge to receiving waters.⁵

The authority for the regulation of such sources rests with the State and USEPA thus MS4 agencies must not be held responsible for the costs of control of water pollutants from sources for which they have limited or no regulatory jurisdiction.

9. It is well known that source control is one of the most, if not the most, effective means of controlling the discharge of pollutants as well as the most cost-effective (witness the elimination of lead in gasoline and other such industrial sources to the extent that the final WLA for lead is already being met for this TMDL in the Dominguez Channel). Legislation for the control of copper in brake pads has been passed in the legislature with strong support from MS4 agencies and will be implemented over the course of the next 20 years and is likely to achieve a similar significant result. Tires are known to be a significant source of zinc and zinc is a 303d listed pollutant on a statewide basis, so similar such source control measures may be needed in order to achieve the zinc TMDL targets.
10. Toxicity testing twice per year may become cost prohibitive and overly burdensome for MS4 agencies at the storm drain outfall of a permittee's drainage area. A reduced frequency of toxicity testing should be provided in the TMDL once it is established that a storm drain outfall is in compliance with the toxicity standard.
11. Statewide, it has been shown that most toxicity is associated with use of pesticides⁶ which are regulated by the State and USEPA. In such cases

⁵ Order No. 01-182 Amended by Orders R4-2006-0074, R4-2007-0042, and R4-2009-0130 (including all revisions proposed for adoption on April 7, 2011).

⁶ Hunt, J., D. Markiewica and M. Pranger, November 2010. Summary of Toxicity in California Waters: 2001-2009. Prepared for the Surface Water Ambient Monitoring Program, State Water Resources Control Board.

Unger

February 15, 2011

Re: Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters
Toxic Pollutants TMDL

Page 6 of 6

restriction or elimination of the use of the pesticides may be the most appropriate implementation measure

The City of Rolling Hills recognizes the challenges Regional Board staff faces in developing such a complex and all encompassing TMDL for the entire Dominguez Channel-Los Angeles Harbor and Long Beach Harbor watersheds and supports direct efforts to improve water quality. Simultaneously, the City's \$1.5 million annual operating budget is increasingly being allocated to monitoring water quality, irrespective of the City's existing unique and natural environment that are exemplary of the RWQCB's goals. With the TMDL and ultimately, the new MS4 permit, we hope that our resources can be allocated to meaningful improvements in water quality and the City's contributions are commensurate with an understanding of the City and its impact on neighboring water bodies.

Thank you for the opportunity to offer these comments.

Sincerely,



Anton Danlerbruch
City Manager

AD:hl

02-15-11DominguezToxicsComments.docx

Enclosure: Figure 1 Regional Drainage of Rolling Hills

c: Rolling Hills City Council
Ms. Kathleen McGowan, P.E.
Mr. Michael Jenkins, City Attorney

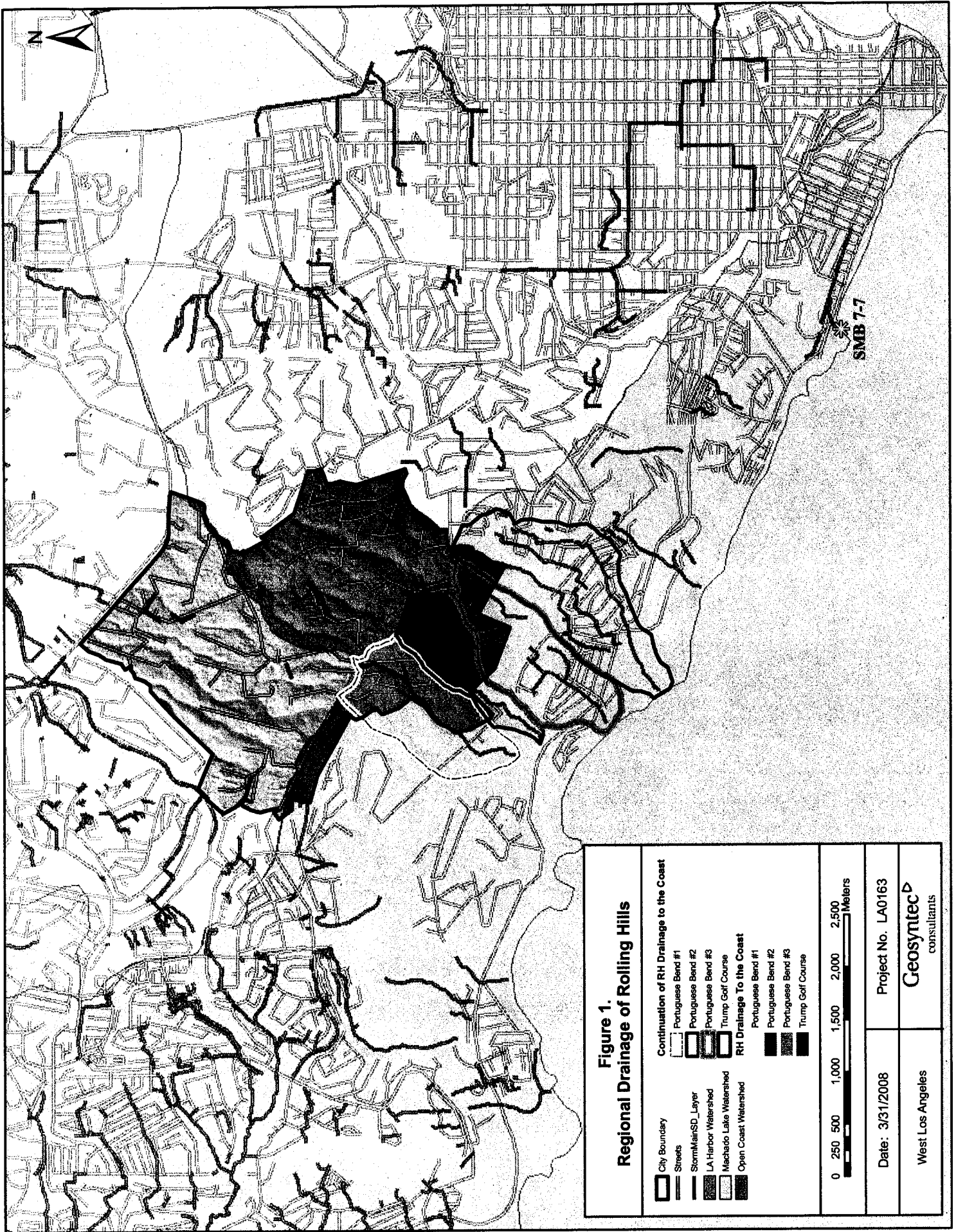


Figure 1.
Regional Drainage of Rolling Hills

- | | |
|------------------------|--|
| City Boundary | Continuation of RH Drainage to the Coast |
| Streets | Portuguese Bend #1 |
| StormMainSD_Layer | Portuguese Bend #2 |
| LA Harbor Watershed | Portuguese Bend #3 |
| Machado Lake Watershed | Trump Golf Course |
| Open Coast Watershed | RH Drainage To the Coast |
| | Portuguese Bend #1 |
| | Portuguese Bend #2 |
| | Portuguese Bend #3 |
| | Trump Golf Course |

0 250 500 1,000 1,500 2,000 2,500 Meters

Date: 3/31/2008 Project No. LA0163

West Los Angeles **Geosyntec** consultants