



City of Manhattan Beach

Public Works Department

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February 17, 2011

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 City of Manhattan Beach appreciates the opportunity to comment on the proposed Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load. As a coastal city focused on surfing and beach-oriented recreational activity, maintaining high water quality is very important to our residents and City officials.

The City has dedicated significant resources to implementation activities for compliance with the Santa Monica Bay Beaches Bacteria TMDLs and will be required to expend additional resources to comply with the Santa Monica Bay Marine Debris TMDL. The City of Manhattan Beach is committed to protecting the beneficial uses of receiving waters and is prepared to take responsibility for pollutants that are generated due to land use activity subject to its jurisdictional authority. Manhattan Beach encompasses 3.88 square miles, however, only ½ square mile of the City lies within the 133 square miles of drainage area of the waters subject to this TMDL.

The City of Manhattan Beach 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 may wish to avail itself of the option to comply at the outfall of the permittee's drainage area as provided for in the proposed Basin Plan Amendment. However, the Basin Plan Amendment does not make clear what the Waste Load Allocations (WLAs) are for such a compliance option. Please clarify whether the individual WLAs for an MS4 Permittee are to be calculated based on 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. Also, please clarify/confirm that if an MS4 Permittee chooses to comply at the outfall of its drainage area, 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.

2. 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, sharing this responsibility would necessitate undue inter-agency coordination and staff time. The City of Manhattan Beach believes that the responsibility for monitoring fish and bed sediments should be assigned to the agencies directly responsible for the operation of those water bodies.

3. The City of Manhattan Beach is tributary only to the Upper Dominguez Channel and is not tributary to the Torrance Lateral, thus the City of Manhattan Beach should not be listed as a responsible party for or assigned freshwater or sediment WLAs for the Torrance Lateral. Because the Torrance Lateral is being assigned separate final WLAs for freshwater and sediment, the proposed TMDL should be revised to create a separate list of dischargers strictly for the Torrance Lateral and the City of Manhattan Beach should not be included on that list.

4. DDT, Chlordane, and Dieldrin are organochlorine pesticides that were widely used across the U.S and California in lawn, home and agriculture. Their manufacture and sale has been banned by USEPA for more than twenty years, in the case of DDT, for thirty years. PCBs are regulated under the Federal Toxic Substances Control Act (TSCA); however action levels for the management and control of PCB residuals under TSCA are currently several orders of magnitude higher than the targets being set by this TMDL. Addressing trace levels of these contaminants that may exist as background in soils due to historic and ubiquitous use is very likely beyond the fiscal resources of municipalities and outside the scope of reasonable municipal responsibility.

5. 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 to assess the magnitude of the Waste Loads in those discharges.

6. This TMDL places the responsibility for control of indirect air deposition of metals solely on the MS4 agencies when they have no or limited jurisdictional authority over the sources of those pollutants. 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:

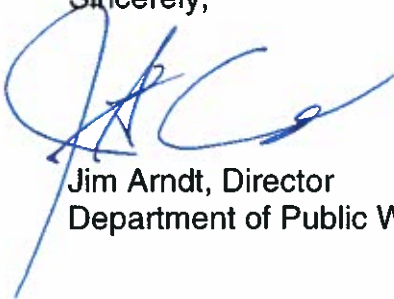
Certain pollutants present in stormwater and/or urban runoff may be derived from extraneous sources that Permittees have no or limited jurisdiction over. Examples of such pollutants and their respective sources are: PAHs which are products of internal combustion engine operation, nitrates, bis (2-ethylhexyl) 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.

Because the authority for regulation of such extraneous sources rests with the State and USEPA, MS4 agencies should not be held unilaterally responsible for controlling water pollution that results from these extraneous sources.

7. Provision for reduced frequency of toxicity testing should be included in the TMDL if it is established that a storm drain outfall is in compliance with the toxicity standard. Toxicity testing twice per year at the storm drain outfall of a permittee's drainage area may prove to be overly burdensome to municipal budgets and such frequency should be unnecessary once compliance is established. Similarly, if initial monitoring for organochlorine pesticides and PCBs indicates that the TMDL objectives for these compounds are already met in a particular storm drain discharge, then a reduced frequency of monitoring should also be afforded the responsible agency since these compounds are no longer manufactured and they are unlikely to increase in concentration in the future.

The City of Manhattan Beach appreciates the challenges faced by Regional Board staff in developing such a complex and all encompassing TMDL for the entire Dominguez Channel-Los Angeles Harbor and Long Beach Harbor watersheds. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JAC', is written over the typed name and title.

Jim Arndt, Director
Department of Public Works

cc: David N. Carmany
Kathleen McGowan
Clay Curtin

¹ Order No. 01-182 Amended by Orders R4-2006-0074, R4-2007-0042, and R4-2009-0130 and further amended pursuant to LA Superior Court Case No. BS122724.