

The City of Bellflower

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Public Comment
Dominguez Channel/LA/Long Beach
Waters Toxic Pollutants TMDL
Deadline: 10/28/11 by 12:00 noon



Via e-mail to: commentletters@waterbc

October 28, 2011

Ms. Janine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

Re: Comments on Total Maximum Daily Loads for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters

Dear Ms. Townsend:

The City of Bellflower (City) appreciates the opportunity to provide comments on the Total Maximum Daily Loads for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbors Waters (Harbors TMDL). In our comment letter submitted to the Los Angeles Regional Water Quality Control Board (Regional Board) on February 17, 2011, we expressed our concern about technical and scientific aspects of the Harbors TMDL, its implementation, and potential environmental and economic impacts that would result if the Harbors TMDL was implemented in its current form. We believe the Regional Board has failed to respond to many of the City's concerns and that their response to comments in other areas was inadequate.

The City incorporates by reference the correspondence, exhibits and documents submitted by Dr. Susan C. Paulsen of Flow Science on behalf of the City of Signal Hill to the State Water Resources Control Board (State Board) (comment letter dated October 28, 2011), which include as an attachment a response to the Regional Board's response to comments on the Harbors TMDL.

The City's major concerns with the Harbors TMDL are:

- The Regional Board included the City of Bellflower, along with the Cities of Lakewood, Paramount and Signal Hill, under the Harbors TMDL's Category 2 of responsible parties for the "Greater Los Angeles and Long Beach Harbors" because "the cities are part of the Los Cerritos Watershed." The Los Cerritos Channel Freshwater Watershed, as the name indicates, is a freshwater watershed; therefore, discharges to the Los Cerritos Channel should be recognized as discharges to freshwater, and should not be included in the "nearshore watershed" category, as discharges to this channel are not discharges to the saline waters of the Harbors. Discharges from the City of Bellflower, and other cities that drain to the Los Cerritos Channel, should be included in the MS4 waste load allocations, as other MS4 discharges regulated by the Harbors TMDL.

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> Scott A. Larsen
Mayor

Dan Koops
Mayor Pro Tem

Randy Bomgaars
Council Member

Raymond Dunton
Council Member

Sonny Santa Ines
Council Member

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- The Regional Board added new language to the Harbors TMDL at the adoption hearing and after the close of all opportunity for public comment. The new language represents an important change in the overall TMDL, as it indicates that the targets and allocations of the Harbors TMDL may be changed at any time, and bases compliance with the Harbors TMDL on fish tissue targets that are identical to OEHHA's Fish Contaminant Goals (FCGs). We believe that the Regional Board should have used OEHHA's Advisory Tissue Levels (ATLs) instead of FCGs and should have solicited public comment on the proposed changes.
- The Harbors TMDL is not based upon best available science. Specifically, it fails to implement the State's Sediment Quality Objectives (SQO) Policy and instead uses Sediment Quality Guidelines (which were explicitly supplanted by the SQO Policy) as TMDL targets. Further, the modeling used to develop the Harbors TMDL makes key assumptions that are inappropriate and unsupported, and that lead to a TMDL that is not scientifically defensible and that may not regulate the pollutant(s) that may be responsible for impairment within the Harbors.
- The Harbors TMDL assigns allocations to bed sediment, despite the fact that a TMDL is by definition "a calculation of the maximum amount of pollutant that a waterbody can receive and still meet water quality standards" (USEPA definition, 2011). Many of the pollutants regulated by the Harbors TMDL are legacy pollutants; current inputs are a very small fraction of historic loads, and the sediments contain a vast repository of these legacy pollutants. Regulating current inflows of pollutants to the Harbor waters will do almost nothing to change the mass or concentration of those pollutants that already reside within the Harbor sediments. Thus, a TMDL that regulates inflows is an ineffective and inappropriate mechanism for achieving attainment within the Harbors.
- The Regional Board has not responded to the specific concerns we raised about its CEQA analysis.

For these reasons, the City requests that the State Board remand the Harbors TMDL to the Regional Board for modification and revision. If you have any questions regarding this letter, you may contact me at (562) 804-1424, ext. 2233.

Sincerely,



Bernardo Iniguez
Environmental Services Manager

cc: Leo L. Mingle, Jr., Interim City Manager
Deborah Chankin, Director of Public Works

Doc 249527