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December 22, 2014

VIA EMAIL: commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

TECHNICAL COMMENTS ON THE PROPOSED AMENDMENT TO THE WATER QUALITY CONTROL POLICY FOR DEVELOPING THE CLEAN WATER ACT SECTION 303(d) LIST

The City of Los Angeles, Bureau of Sanitation (LASAN) appreciates the opportunity to provide technical comments on the proposed approval of the amendments to the Water Quality Control Policy for Developing the Clean Water Act Section 303(d) List (Listing Policy). LASAN generally supports the proposed changes to the Listing Policy; however, we have concerns over how the Water Quality Control Plan for Enclosed Bays and Estuaries Plan Part I: Sediment Quality (SQO Part I) will be incorporated. LASAN recommends the modification of section **6.1.3 (Evaluation Guideline Selection Process)** of the Listing Policy to better incorporate the methodologies of the sediment quality objectives (SQOs) outlined in the SQO Part I.

Comment: The City has initiated the collection of the three lines of evidence called for in conducting analysis to evaluate attainment of the Water Quality Control Plan for Enclosed Bays and Estuaries Plan Part 1: Sediment Quality (SQO Part 1). These monitoring efforts, while resource intensive, provide a much better understanding of potential impacts to sediment. However, the proposed changes to the Listing Policy could benefit from additional clarity to ensure the methodologies of SQO Part 1 are consistently utilized in listing decisions. Furthermore, additional clarity is needed for those instances where sediment quality guidelines are applied. In some instances, effects range-low (ERL) values are utilized in listing decisions. ERLs are defined as the 10th percentile on an ordered list of chemical concentrations in sediment found in the literature that co-occur with a biological effect (e.g., acute or chronic toxicity). As Section 6.1.3.1.B requires only those sediment guidelines that have been shown in published studies to be predictive of sediment toxicity in 50 percent or more of the samples analyzed,

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additional clarification is warranted to ensure ERLs are not inappropriately utilized in listing decisions.

Requested Revision: Add language to Sections 6.1.3.1.A and 6.1.3.1.B to clarify that the SQO Part 1 is used as appropriate and to ensure ERLs are not inappropriately used:

Section 6.1.3.1.A: “If sediment quality objectives apply, the Regional Water Boards shall use the methods and procedures that were adopted to interpret the objective. Listing decisions based on the sediment quality objectives shall supersede analyses based on sediment quality guidelines.”

Section 6.1.3.1.B: “If no applicable sediment quality objectives apply, or insufficient data exists to interpret sediment quality objectives, the Regional Water Boards may select sediment quality guidelines that have been published in the peer-reviewed literature or by state or federal agencies. Analyses utilizing sediment quality guidelines will be superseded and independent lines of evidence shall no longer be considered in instances where sediment quality objectives apply and sufficient data are available to interpret sediment quality objectives. Acceptable guidelines include selected values (e.g., effects range-median, probable effects level, probable effects concentration), and other sediment quality guidelines. Only those sediment guidelines that are predictive of sediment toxicity shall be used (i.e., those guidelines that have been shown in published studies to be predictive of sediment toxicity in 50 percent or more of the samples analyzed). Effects range-low values should not be used as sediment quality guidelines.”

The Bureau is committed to improving and protecting the local environment as evidenced by the leadership role the City has taken in implementing TMDLs and MS4 Permit, and in proactively implementing clean water projects throughout City watersheds.

If there are any questions, please contact Donna Chen at (213) 485-3928 or Charlie Yu, staff lead on this issue, at (213) 485-3929.

Sincerely,



SHAHRAM KHARAGHANI, Ph.D., P.E., BCEE
Program Manager

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WPDCR9158a

cc: Sam Unger, California Regional Water Quality Control Board – Los Angeles Region
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