THE CITY OF
ROLLING HILLS ESTATES
4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274
TELEPHONE 310.377.1577 FAX 310.377.4468
www.ci.Rolling-Hills-Estates.ca.us

February 10, 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 letter is being submitted in response to the notice of extended public comment period and public hearing date for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load.

The City of Rolling Hills Estates supports achieving and maintaining clean water, and is willing to do its part to mitigate those sources of pollutants that are within its jurisdictional authority. The City, which is located on the Palos Verdes Peninsula in southwest Los Angeles County, is predominantly residential, encompassing 4.2 square miles. The City has a significant amount of dedicated open space including six parks and 25 miles of trails. Significant portions of the City's drainage system consist of natural, unimproved, canyons.

Only about 275 acres or 0.4 square miles of the City of Rolling Hills Estates is tributary to the 133 square mile drainage area of the waters subject to this TMDL that is a *de minimis* three tenths of one percent of the watershed. The land use in this 275 acre tributary area is largely single family residential land use and open space. Included in this area is the George F Canyon Nature Center and Stein-Hale Nature Trail, a 36-acre riparian preserve dedicated by the City for public enjoyment with both passive and active education programs. The City has partnered with the Palos Verdes Peninsula Land Conservancy in the preservation and restoration of coastal sage scrub and

riparian habitat in the George F Canyon Nature Preserve as well as the operation of the nature center.

The City of Rolling Hills Estates is a small contract city of approximately 8,000 residents with a small full-time staff. The City contracts with the County of Los Angeles for most public works services including: road maintenance, engineering review and building and safety services, storm drain maintenance and industrial waste services. The City has limited fiscal resources and is being subject to a demanding list of TMDL-related monitoring, reporting and implementation activities for three separate water bodies: the Santa Monica Bay, Machado Lake and the Los Angeles Harbor. The City has 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.

Source control is the primary means available to the City for maintaining and improving water quality within this subdrainage area due to the steep terrain and natural canyons which serve as primary drainage within this part of the City.

In light of these considerations, the City of Rolling Hills Estates 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 Estates 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 Estates 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 Estates into this watershed is to nearshore subwatersheds as shown in Appendix III page III-40 Figure III-2 of the Regional Board staff report. As shown in the attached map of drainage for the City of Rolling Hills Estates prepared by Geosyntec Consultants, stormwater runoff from the City of Rolling Hills Estates is tributary to three receiving waters: the Santa Monica Bay, Machado Lake, and Los Angeles Harbor nearshore. No runoff from the City of Rolling Hills Estates is tributary to either Dominguez Channel, Torrance Lateral or the Dominguez Channel Estuary. Please remove the City of Rolling Hills Estates 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 in order to combine and coordinate monitoring requirements for other TMDLs. For example, the Machado Lake Toxics TMDL requires compliance with concentration-based Waste Load Allocations (WLAs) based on analysis of the sediment fraction from stormwater discharges at the outfall of the MS4 agencies' discharge, hence 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. The City is in agreement with including a compliance monitoring option at the outfall of the permittee's drainage area; however the TMDL as currently written does not explicate the 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.

4. Throughout the proposed basin plan amendment 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. It is an unwieldy and difficult requirement to share fish and bed sediment monitoring in the receiving water; that would necessitate 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. Please clarify/confirm that if an a 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.

5. As the Board staff is aware, DDT was widely used in California in agriculture for control of mosquitoes and other disease carrying insects, and its use in California peaked in the late 1960's[1]. Its use 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 1987[3]. The City is concerned that this TMDL shoulders the City with the responsibility for controlling what residuals may remain in soils from the historically-approved uses of these pesticides on private property, uses

[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

previously approved by U.S. Environmental Protection Agency, and the State of California. Addressing trace levels of these contaminants that may exist as background in soils throughout the watershed due to historic and ubiquitous use may be beyond the fiscal resources of the City.

6. The City has no authority to regulate the use in commerce of PCBs or the management of PCB-containing wastes, but is being required to control the discharge of PCBs in stormwater at concentrations in sediment that are far below USEPA regulatory standards under the Federal Toxic Substances Control Act (TSCA). 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 four to five 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. USEPA is contemplating regulatory action to further restrict authorized uses and regulate disposal of residuals under TSCA, and this along with control of stormwater from industrial facilities is the proper means for controlling PCBs, not by placing responsibility on MS4 agencies.

7. If an MS4 agency demonstrates through compliance monitoring at the outfall of its drainage area that the TMDL targets for organochlorine pesticides and PCBs are already being attained, further compliance monitoring should not be required of that MS4 agency. Given the fact that these pollutants have been banned from use or are no longer manufactured, it is very unlikely that the concentrations of these pollutants would increase, but rather they will continue to decrease, so continued monitoring would be a misuse of public funds.

8. 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 instead of the water column for the bioaccumulative compounds Chlordane, DDT, Dieldrin, Total PCBs and PAHs because these compounds are hydrophobic. In particular, for construction sites subject to the General Construction Permit 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 Attachment A, in which case the WLA should be expressed as µg/kg on a dry weight basis in the sediment fraction. This approach was also used for the Machado Lake Toxics TMDL. Inconsistency between the monitoring requirements of TMDLs regulating the same pollutants in the same region will create confusion among the regulated community,

---

[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

particularly contractors implementing the requirements of the General Construction Permit.

This TMDL places sole responsibility on the MS4 agencies for control of indirect air deposition sources of metals when they have no jurisdictional authority over the sources of those pollutants, either mobile (trucks, automobiles) or stationary (industrial sources, boilers, etc.). The authority for the regulation of such sources rests with the State and USEPA. 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]

9. MS4 agencies must not be held responsible for the costs of control of water pollutants from such air and automobile sources when they have no regulatory control over the sources. 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; a prime example is the elimination of lead in gasoline and other 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. Similarly, tires are known to be a significant source of zinc pollutants in receiving waters 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 if it must be done 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.

---

[5] 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.

The City of Rolling Hills Estates recognizes 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. The City appreciates your consideration of these comments.

Sincerely,

Greg Grammer
Assistant City Manager

Attachment: Figure 1 Regional Drainage of Rolling Hills Estates

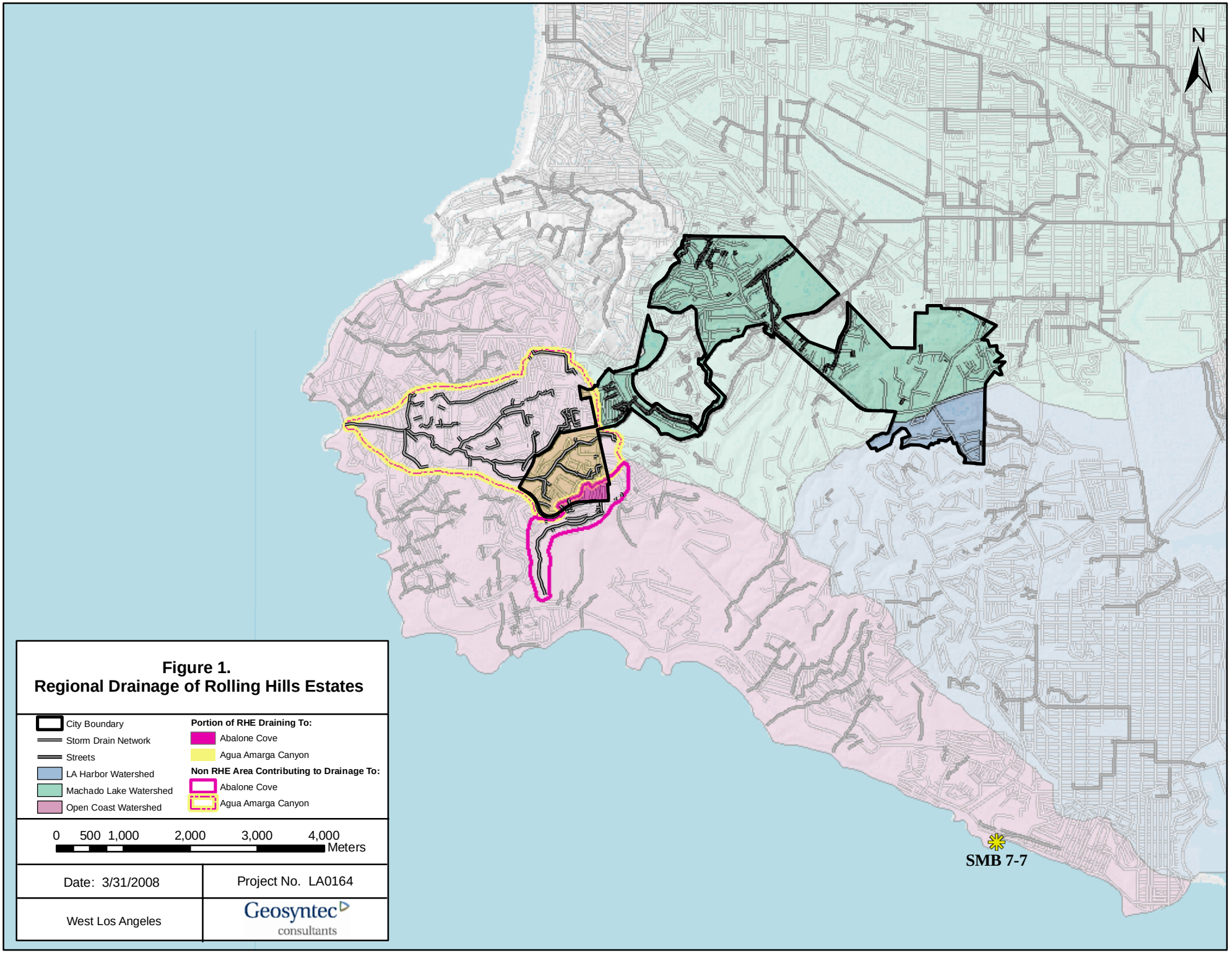

Figure 1.
Regional Drainage of Rolling Hills Estates