



Heal the Bay

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September 21, 2018

Deborah Smith, Executive Officer
Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Sent via e-mail to: losangeles@waterboards.ca.gov and Deborah.Smith@waterboards.ca.gov

RE: TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR POLA 5-YEAR MAINTENANCE DREDGING

Dear Ms. Smith:

Heal the Bay is a nonprofit organization with over 30 years of experience and 15,000 members dedicated to making the coastal waters and watersheds of Greater Los Angeles safe, healthy and clean. On behalf of Heal the Bay, we respectfully submit the following comments in response to the tentative Waste Discharge Requirements and Monitoring and Reporting Program for Port of Los Angeles (POLA) Five-Year Maintenance Dredging (Tentative WDR).

We appreciate the efforts shown in the Tentative WDR to properly dispose of contaminated dredge material, to repurpose uncontaminated dredge material for beneficial reuse, and to minimize the distribution of potentially contaminated dredging material through the water column during maintenance dredging activities. However, we do have some concerns after a thorough review of these documents, and we have identified opportunities to strengthen the Tentative WDR in order to fully protect the beneficial uses of the Los Angeles Harbor including industrial service supply, navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare and endangered species and shellfish harvesting. Our recommendations to strengthen the Tentative WDR are discussed in further details below.

POLA must ensure protection of water quality, marine life and public health within the harbor by testing for sediment toxicity.

In addition to testing for individual contaminants (trace metals, DDTs, PCBs and PAHs), material should undergo toxicity testing as this will provide a measure of exposure to all pollutants present including non-traditional or unmeasured contaminants¹. This will ensure identification of contaminated material that requires proper disposal to protect beneficial uses such as marine habitat, preservation of rare and endangered species and shellfish harvesting. The State Water Resources Control Board also recognizes

¹ US Environmental Protection Agency and LA Regional Water Quality Control Board. 2011. Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Loads. https://www.waterboards.ca.gov/losangeles/board_decisions/basin_plan_amendments/technical_documents/66_New/11_0630/03%20Final%20Staff%20Report%2006%2030%2011.pdf



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potential human health risk resulting from sediment toxicity². Therefore, material should undergo toxicity testing to also protect additional beneficial uses including fishing and other recreation. Dredging material that is determined to be clean will be deposited either at the Outer Cabrillo Beach, or at Disposal Site LA-2, further offshore. Without toxicity testing, disposal of material could potentially allow distribution of toxic sediments to recreational areas, and to previously uncontaminated habitat. We, therefore, request that POLA perform toxicity testing on all dredging material to fully protect human and environmental health.

POLA must ensure that knockdown dredging does not pose any risk to human or environmental health.

The POLA proposes to use knockdown dredging operations to level high spots in the vicinity of berthing areas. We understand that knockdown operations are easier to mobilize and cost less than traditional dredging operations, but we have concerns with this method in areas with high concentrations of legacy pollutants (hotspots). How will POLA ensure that knockdown dredging does not cause resuspension of contaminated sediments, most notably legacy pollutants, degrading water quality and impacting beneficial uses? At a minimum, we recommend that knockdown dredging operations not be used around identified hotspot areas in order to avoid resuspension of legacy pollutants.

During knockdown dredging operations, the Tentative WDR does not require receiving water monitoring, since the limited magnitude and short duration of the activity is not expected to produce water quality impacts. We would like to see the studies, if any, that have helped the Regional Board come to this conclusion. Due to the legacy contamination in areas of the Harbor, we believe that receiving water quality monitoring should occur for all dredging-related activities.

POLA must ensure protection of water quality within the harbor by minimizing pollutant migration, and eliminating discharge of visible material during maintenance dredging operations, and must take appropriate action if adverse conditions are observed in receiving waters.

The discharge of any visible material or other pollutant must be immediately addressed by POLA. Section A.7.d. of the Tentative WDR states that dredging, excavation or disposal of dredge spoils shall not cause visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores or channel structures outside the immediate area of operation. If visible material is discharged during dredging operations, inside or outside the immediate area of operation, POLA must be responsible for immediate remediation of this material. The “immediate area of operation” must also be clearly defined to minimize migration of pollution and toxicity, including legacy pollutants found in the sediment itself.

Within the Monitoring and Reporting Program, it is stated that light transmittance exceedances have been observed in the past but have been attributed to the configuration of the area and lack of tidal

² California State Water Resources Control Board. 2011. Draft Proposed Amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries Plan, Part 1: Sediment Quality.
https://pubapps.waterboards.ca.gov/water_issues/programs/bptcp/docs/sediment/012811app_a.pdf



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circulation, rather than due to dredging operation practices. However, if dredging operations exacerbate these conditions, further degrading water quality, then POLA must take immediate action to remediate the effected harbor waters. If any adverse water quality conditions persist for three consecutive days, in addition to reporting to the proper authorities³, POLA should be required to immediately cease dredging operations until the cause of the adverse effect is identified, and if it is under the purview of POLA, must be addressed before operations resume.

The Los Angeles Regional Water Quality Control Board (Regional Board) must require consistency and accountability from POLA in their monitoring and reporting of maintenance dredging activities.

The location for receiving water sample stations A through C are clearly defined in the Tentative WDR; however, station D, the control site, is defined simply as an area not affected by dredging operations. As all four of these sites will change at later dates depending on the project proposed, they must be identified, mapped and approved by the Executive Officer of the Regional Board prior to the start of sampling activities. Observations recorded during receiving water sampling should include any animals present, and a blank section to note any other unusual site conditions. General provisions for receiving water sampling should include requirements for recordation of equipment calibration and maintenance and a chain of custody form to track samples from collection through analysis.

Provisions should also be made to ensure that there is accountability, so that there is not too much reliance on POLA for self-regulation. The Regional Board should schedule annual inspections, and encourage community outreach prior to each dredging operations to ensure this accountability. Finally, Regional Board permitting staff should work closely with Regional Board enforcement staff to ensure that all language for the requirements of the Tentative WDR are enforceable.

Thank you for the opportunity to comment on the tentative Waste Discharge Requirements and Monitoring and Reporting Program for POLA Five-Year Maintenance Dredging. If you have any questions concerning this comment letter, please feel free to contact Annelisa Moe at Heal the Bay through e-mail at amoe@healthebay.org or by phone at (310) 451-1500 X 139.

Sincerely,

Annelisa Ehret Moe
Water Quality Scientist
Heal the Bay

cc by e-mail: Jun Zhu, Senior Environmental Scientist, Los Angeles Regional Water Quality Control Board: jun.zhu@waterboards.ca.gov

³ The LA Regional Water Quality Control Board, the California Coastal Commission, the US Environmental Protection Agency, and the US Army Corps of Engineers.