

# CITY OF PALOS VERDES ESTATES



March 30, 2017

Samuel Unger, P.E., Executive Officer  
California Regional Water Quality Control Board  
Los Angeles Region  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013  
Via email: [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov)

Attn: Jun Zhu, Environmental Scientist ([jun.zhu@waterboards.ca.gov](mailto:jun.zhu@waterboards.ca.gov))

**Subject: Comment Letter—Revisions to the Los Angeles Region 303(d) list**

Dear Mr. Unger:

On February 8, 2017, the Los Angeles Regional Water Quality Control Board (Regional Board) issued a 30-day Notice of Public Hearing and Opportunity to Comment on the Proposed Revisions to the Clean Water Act Section 303(d) List for the Los Angeles Region and the 2016 Integrated Report. On February 24, 2017, the Regional Board issued a Notice of Extension of Comment Deadline with a revised comment deadline of March 30, 2017 and the public hearing scheduled for May 4, 2017.

The City is pleased that Malaga Cove Beach and Bluff Cove Beach are being proposed for delisting for indicator bacteria. The City agrees with the Regional Board Staff Decision Recommendation in Appendix G that Bluff Cove Beach and Malaga Cove Beach should be removed from the 303(d) list for indicator bacteria because applicable water quality standards for the pollutant are not being exceeded. This is supported by Regional Board Resolution No. 2006-008 reviewing the Implementation Plan submitted by Jurisdictional Group 7 for the Santa Monica Bay Beaches Bacteria Wet Weather TMDL which stated:

“The Implementation Plan submitted by Jurisdictional Group 7 differs from other Implementation Plans because the beaches along the Palos Verdes Peninsula have had historically fewer exceedances than the reference beach used in the Santa Monica Bay Beaches TMDLs to establish the allowable exceedance frequency. Therefore, the antidegradation provision applies, which requires responsible jurisdictions and agencies to maintain existing water quality. . . . The Implementation Plan for Jurisdictional Group 7 adopts a non-integrated approach, since existing water quality is equivalent to compliance with the Santa Monica Bay Beaches Wet Weather TMDL.”<sup>1</sup>

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<sup>1</sup> California Regional Water Quality Control Board – Los Angeles Region, Resolution No. 2006-008

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Please see the City of Palos Verdes Estates' specific comments on the proposed revisions to the 2016 Section 303(d) and 305(b) Integrated Report, included herewith as Attachment A.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anton Dahlerbruch".

Director of Public Works/City Engineer

Attachment

Copies: Dr. L.B. Nye ([LB.Nye@waterboards.ca.gov](mailto:LB.Nye@waterboards.ca.gov))

Anton Dahlerbruch, City Manager for the City of Palos Verdes Estates

Appendix A – City of Palos Verdes Estates Comments on Proposed Revisions to 303(d) List

<b>Water Body/Pollutant</b>	<b>Comment</b>	<b>Recommendation</b>
<p>Santa Monica Bay Offshore/Nearshore(Arsenic)</p>	<p>Decision No. 67208 (located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) proposes that the Santa Monica Bay Offshore/Nearshore areas be placed on the section 303(d) list because sampling conducted for the City of Los Angeles Hyperion Wastewater Treatment Plant NPDES Permit in areas of Santa Monica Bay north of Redondo Beach Pier influenced by the Hyperion WWTP outfall revealed the presence of arsenic. These samples were collected during August 2006, October and November 2007, and August through September of 2007 from nearfield and from Zones 4 &amp; 5.</p>	<p>While the Santa Monica Bay Offshore/Nearshore areas include the waters of the Palos Verdes Peninsula, this listing should be defined in geographic scope to exclude the Offshore/Nearshore waters of the Palos Verdes Peninsula. The data supporting Decision No. 67208 is not spatially representative of the Palos Verdes Peninsula waters; therefore this listing should be revised to clearly exclude areas of Santa Monica Bay south of Redondo Beach Pier from the listing.</p>
<p>Santa Monica Bay Offshore/Nearshore(Mercury)</p>	<p>Decision No. 67209(located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) proposes that the Santa Monica Bay Offshore/Nearshore areas be placed on the section 303(d) list because sampling conducted for the City of Los Angeles Hyperion Wastewater Treatment Plant NPDES Permit in areas of Santa Monica Bay north of Redondo Beach Pier influenced by the Hyperion WWTP outfall revealed the presence of mercury. These samples were collected during August 2006, October and November 2007, and August through September of 2007 from nearfield and from Zones 4 &amp; 5.</p>	<p>While the Santa Monica Bay Offshore/Nearshore areas include the waters of the Palos Verdes Peninsula, this listing should be defined in geographic scope to exclude the Offshore/Nearshore waters of the Palos Verdes Peninsula. The data supporting Decision No. 67209 is not spatially representative of the Palos Verdes Peninsula waters; therefore this listing should be revised to clearly exclude areas of Santa Monica Bay south of Redondo Beach Pier from the listing.</p>

Water Body/Pollutant	Comment	Recommendation
Malaga Cove Beach/Indicator Bacteria	Decision No. 32565 (located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) proposes delisting Malaga Cove Beach from the section 303(d) list for indicator bacteria due to the fact that applicable water quality standards for this pollutant are not being exceeded. The City agrees with the Regional Board Staff Decision Recommendation in Decision No. 32565. However, while Decision No. 32565 has been modified since the last listing cycle in order to make the recommendation to delist, it continues to appear in the list of “original fact sheets” in Appendix G of the February 2017 integrated staff report for the Los Angeles region. Additionally, it is unclear why there is a “Y” in the Pollutant Name Change column in Appendix A since the original fact sheet relating to Decision No. 32565 shows the pollutant name as “indicator bacteria”.	Modify the Revision Status entry in Fact Sheet 32565 from “original” to “revised” and move the fact sheet into the revised fact sheet group.
Lunada Bay Beach (Indicator Bacteria and Beach Closures)	The fact sheet for Decision No. 34394 (located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) recommends that the original “beach closures” listing for Lunada Bay Beach should be revised to an “indicator bacteria” listing. No data is available to support a listing at this location as this is not an accessible beach but is in fact a rocky cove with steep bluff faces that cannot be safely accessed for monitoring. The original listing was for beach closures and Decision ID 34394 changed the pollutant name to indicator bacteria without any providing indicator bacteria data for evidence.	Like the rest of the shoreline areas on the Palos Verdes Peninsula, Lunada Bay should be delisted for indicator bacteria and beach closures due to faulty listing by revising the recommendation in the Fact Sheet for Decision No. 34394 and place a “Y” in the New Delistings column of Appendix A to the February 2017 integrated staff report for the Los Angeles region. Also please eliminate the word “beach” from the waterbody because this is not an accessible beach, but rather a rocky cove with a steep bluff face that is not readily accessible to the public.

Water Body/Pollutant	Comment	Recommendation
Flat Rock Point Beach Area (Indicator Bacteria and Beach Closures)	Flat Rock Point forms the northern point of Bluff Cove and is part of the same “beach” as Bluff Cove. The fact sheet for Decision ID No. 34628 (located in Appendix G to the February integrated staff report for the Los Angeles Region) is proposing to revise the listing for Flat Rock Point from “beach closures” to “indicator bacteria” however no data to support the listing is provided. Since there is no separate monitoring data set for Flat Rock Point and Flat Rock Point is contiguous with Bluff Cove, Decision ID 32848 and supporting lines of evidence for Bluff Cove should also be applied to Flat Rock Point.	Flat Rock Point Beach Area should be included with Bluff Cove Beach in the fact sheet for Decision ID No. 32848 and delisted along with Bluff Cove Beach. Also please eliminate the word “beach” from the waterbody because this is not an accessible beach, but rather a rocky point that is not safely accessible for monitoring.
Malaga Cove Beach(DDT and PCBs)	Appendix C to the February 2017 integrated staff report for the Los Angeles region states that Malaga Cove Beach is included on the 303d list for DDT and PCBs with “Source Unknown”. The source of the DDT and PCB listings are known to be associated with the Palos Verdes Shelf Superfund Site because this source is well documented in the USEPA TMDL for these pollutants in Santa Monica Bay.	Change “source unknown” to “source – Palos Verdes Shelf Superfund Site” for both DDT and PCBs.
Bluff Cove Beach(DDT and PCBs)	Appendix C to the February 2017 integrated staff report for the Los Angeles region states that Bluff Cove Beach is included on the 303d list for DDT and PCBs with “Source Unknown”. The source of the DDT and PCB listings are known to be associated with the Palos Verdes Shelf Superfund Site because this source is well documented in the USEPA TMDL for these pollutants in Santa Monica Bay.	Change “source unknown” to “source – Palos Verdes Shelf Superfund Site Palos Verdes Shelf Superfund Site” for DDT and PCBs.

Water Body/Pollutant	Comment	Recommendation
Santa Monica Bay Offshore/Nearshore(DDT and PCBs)	Category 5 of Appendix B to the February 2017 integrated staff report for the Los Angeles region includes DDT and PCBs in the listing for Santa Monica Bay Offshore/Nearshore(a water segment where standards are not met and a TMDL is required but not yet completed); however this listing is being addressed by the USEPA developed and approved TMDL. This change is explained in the “other revisions” summary in Appendix A to the February 2017 integrated staff report for the Los Angeles region.	The listings for DDT and PCBs should be moved to Category 4a in Appendix C since there is a USEPA approved TMDL in effect addressing the listings.
Santa Monica Bay Offshore/Nearshore(Chordane)	Decision No. 37492(located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) has been revised to recommend delisting Santa Monica Bay Offshore/Nearshore waters for chlordane; this revision is not reflected in the summary of recommended changes in Appendix A of the February 2017 integrated staff report for the Los Angeles region.	Revise Appendix A to place a “Y” in the New Delisting column for Santa Monica Bay Offshore/Nearshore row for Chlordane.
Santa Monica Bay Offshore/Nearshore(Polycyclic Aromatic Hydrocarbons (PAHs))	Decision No. 32656 (located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) has been revised to recommend delisting Santa Monica Bay Offshore/Nearshore waters for PAHs; this revision is not reflected in the summary of recommended changes in Appendix A of the February 2017 integrated staff report for the Los Angeles region.	Revise Appendix A to place a “Y” in the New Delisting column for Santa Monica Bay Offshore/Nearshore row for PAHs.

Water Body/Pollutant	Comment	Recommendation
Wilmington Drain(Lead)	Decision No. 35085 (located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) recommends delisting the Wilmington Drain for lead based on the weight of evidence. The City agrees with this recommendation due to the fact that LOE No. 90133 describes data collected in Compton Creek, which is unrelated to the Wilmington Drain.	Remove LOE No. 90133 from the Fact Sheet for Decision No. 35085, and revise the supporting evidence statement to the Regional Board Staff Conclusion to state that: "0 of 33 samples exceeded the CRITERIA."
Wilmington Drain/Copper	Decision ID 44676 (located in Appendix G of the February 2017 integrated staff report for the Los Angeles region) for copper in Wilmington Drain includes a data set that should not have been included: LOE ID 90473 describes data collected in Compton Creek which is unrelated to Wilmington Drain. Removal of this data set from Decision ID 44676 would still leave LOE ID 90131 which is described as 33 samples, only two (2) of which exceeded the criteria for copper. This revised data set now meets the SWRCB Delisting criteria because the number of exceedances is 2 or less in a data set size of 28-36 samples.	Remove LOE No. 90473 from the Fact Sheet for Decision ID 44676 and revise the supporting evidence statement "2 of 33 samples exceeded the CRITERIA." Also revise the recommendation to Delist from 303(d) List.
Machado Lake(Algae, Ammonia, Chema, Eutrophic, Odor, Trash)	Category 5 of Appendix B to the February 2017 integrated staff report for the Los Angeles region includes listings for algae, ammonia, Chema, eutrophic, odor and trash for Machado Lake (a water segment where standards are not met and a TMDL is required but not yet completed); however all of these pollutant listings are being addressed by USEPA-approved TMDLs.	These listings should be moved to Category 4a in Appendix C to the February 2017 integrated staff report for the Los Angeles region. Additionally, Appendix A should include language under the column for "Other Revisions" for each of these pollutants explaining that: "TMDL status changed from TMDL still required to Being Addressed by Completed TMDL."