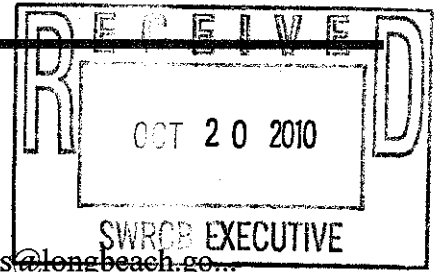


commentletters - Comment Letter - Colorado Lagoon Toxicity TMDL



From: Eric Lopez <Eric.Lopez@longbeach.gov>
To: <commentletters@waterboards.ca.gov>
Date: Wednesday, October 20, 2010 11:59 AM
Subject: Comment Letter - Colorado Lagoon Toxicity TMDL
CC: <nmartorano@waterboards.ca.gov>, Victor Grgas <Victor.Grgas@longbeach.gov>

To Whom It May Concern:

On October 1, 2009, the Regional Water Quality Control Board (RWQCB) approved an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to incorporate a Total Maximum Daily Load (TMDL) for Organochlorine (OC) Pesticides, Polychlorinated Biphenyls (PCBs), Sediment Toxicity, Polycyclic Aromatic Hydrocarbons (PAHs), and Metals in Colorado Lagoon. Please accept these comments on behalf of the City of Long Beach (CLB).

The CLB recognizes the impaired status of the Colorado Lagoon and the need to implement specific measures to restore its health for all applicable beneficial uses. As such, we have been working closely with the community and numerous local, state and federal agencies, including the State Coastal Conservancy, San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, Friends of Colorado Lagoon, State Water Resources Control Board, Port of Long Beach, U.S. Army Corps of Engineers, U.S. National Oceanic Atmospheric Administration (NOAA), U.S. Fish and Wildlife (F&W) Service, among others, on a comprehensive restoration plan and its implementation.

The CLB is on the verge of completing the first major part of the restoration project, which is designed to prevent the lagoon's recontamination by redirecting urban runoff into the sanitary sewer system, capturing trash before it enters the lagoon, constructing bioswales and cleaning the underground culvert that connects the lagoon to Marine Stadium. The next major phase will involve dredging the lagoon to remove the contaminated sediments that have accumulated during the past several decades.

These restoration components and improvements were planned long ago, before the RWQCB began their work on the Basin Plan and TMDL. In fact, the Colorado Lagoon Restoration Project Environmental Impact Report (pursuant to CEQA) was certified by the Long Beach City Council a full year prior to the RWQCB's adoption of the Basin Plan Amendment. The RWQCB decided against participating in the City's planning or CEQA process, nor did they work with the CLB or any other of the partner organizations to develop any portion of their TMDL. This is important because had they collaborated with the project stakeholders and participated in the planning and CEQA process, they would have better understood the site specific conditions of the Colorado Lagoon and the rationale behind each restoration component, which would have helped inform their decisions on the TMDL, especially their decision to recommend the use of NOAA's Effects Range Low (ERLs) as the water and sediment quality targets for this project. Contrary to the RWQCB's assertion, one size does not fit all. All water bodies are not equal. It is thus important to take careful consideration of each individual water bodies' condition and environmental setting before selecting appropriate numeric targets for water, fish tissue, and sediment.

Did the RWQCB or SWRCB staff consult with NOAA, Coastal Commission, F&W Service, State Coastal Conservancy, or any other local, state or Federal Agency on selecting the recommended numeric targets for water, fish tissue and sediment? If so, which agencies were consulted and what was the extent of the consultation? Please provide all available documentation for the record. If not, why wasn't NOAA or other local, state or Federal Agencies consulted in developing the numeric targets? What rationale was used to determine the use of ERL's as appropriate numeric targets for Colorado Lagoon?

According to the RWQCB staff responses to comments on their proposed Basin Plan Amendment and TMDL, ERLs have previously been used in the Los Angeles Region, including for the Calleguas Creek OC pesticides, PCB's, and Siltation TMDL and the Marina del Rey Harbor Toxic Pollutants TMDL. Have their been any other TMDL's in the State of California where ERL's were NOT used as the numeric targets? If so, what are the names of these TMDL's, when were they adopted, and what was used as the appropriate numeric targets in lieu of the

ERLs?

Again, the CLB acknowledges the need to improve the conditions of Colorado Lagoon. As such, the CLB has worked closely with its partners to develop an appropriate restoration plan and to begin implementing these improvements. To date, approximately \$12,000,000 has been raised or committed to this project. As stated above, dredging the Colorado Lagoon is the next major phase of the project. The CLB acknowledges the need to remove all sediment that exceeds NOAA's Effects Range Medium (ERMs) contamination levels and are considered hazardous material. There is approximately 50,000 cubic yards of sediment at the lagoon that exceed these ERM's that will be removed, treated and disposed off as part of the restoration plan. However, if ERL's are selected as the appropriate targets, an additional 22,000+ cubic yards of dredging will need to occur to achieve the ERL targets. The CLB is concerned that this additional dredging is excessive and unnecessary and would provide minimal marginal benefits as opposed to our proposal to remove and treat all sediment with contaminants that exceed ERMs and to use a numeric value in between ERLs and the Probable Effects Level to be determined after careful consultation with NOAA, F&W Service and other interested local, state and Federal Agencies.

Also, please clarify that whatever numeric target is chosen, that this is indeed a target, and that the State Water Board and Regional Water Board will work with the CLB on the appropriate delisting protocol on a timely manner.

If you have any questions, please contact. Thank you.

Sincerely,

Eric Lopez
Analyst, Property Services Bureau
Department of Community Development
333 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
Ph: 562.570.5690 Fax: 562.570.6215

Please note that my email address has changed to Eric.Lopez@longbeach.gov