Heal the Bay

1444 9th Street
Santa Monica CA 90401

ph 310 451 1500
fax 310 496 1902

info@healthebay.org
www.healthebay.org

October 21, 2011

Chairman Hoppin and Board Members
State Water Resources Control Board
1101 I Street, 24th Floor
Sacramento, CA 95814
Sent Via Email [commentletters@waterboard.ca.gov]

Re: Proposed Approval of an Amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to Incorporate a Total Maximum Daily Load for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters

Dear Chair Hoppin and Board Members:

On behalf of Heal the Bay, we submit the following comments on the proposed Amendment to the Basin Plan to Incorporate a Total Maximum Daily Load (TMDL) for Toxic Pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters. We appreciate the opportunity to provide comments.

Heal the Bay supports several aspects of the TMDL adopted by the Los Angeles Regional Water Quality Control Board on May 5, 2011. In particular, we support the inclusion of a numeric toxicity limit of 1 TUc and sediment targets based on Effects Range-Low (ERLs) and Threshold Effect Concentration (TECs) sediment guidelines. We also support the inclusion of the explicit 10% margin of safety in Dominguez Channel's loading capacity. Another positive aspect of this TMDL is the requirement for a sediment management plan to remediate known hot spots of sediment contamination in the Harbor area.

Despite these positive aspects, Heal the Bay has a number of major concerns regarding the TMDL including:

- The TMDL should utilize the more protective approach of using single lines of evidence instead of using the narrative Sediment Quality Objectives integrated evaluation of multiple lines of evidence to determine TMDL compliance. Use of single lines of evidence would provide a margin of safety protective of marine life.

- The TMDL should include dry-weather and wet-weather numeric targets for each waterbody-pollutant combination included on the 303(d) List based on chronic aquatic life criteria. The California Clean Water Act Section 303(d) List of Water Quality Limited Segments ("303(d) List") does not distinguish between impairments occurring in dry-weather and wet-weather. Hence, the TMDL should

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include dry-weather numeric targets for copper, lead, and zinc in the Dominguez Channel.

- The TMDL should provide clear guidelines for the monitoring program. The TMDL should provide clear guidance for how many sampling stations are necessary for each site, and criteria for selecting these stations during each sampling event. For example, the TMDL should require that fish tissue sampling locations should coincide with known angler access points, known contamination hotspots, and other areas of concern. Also, the TMDL should require that whole fish are tested instead of fillets.

- The TMDL should define buried sediments as deep as 1 meter or more as the "active layer" of sediment, instead of the weak 5-centimeter layer proposed. Many marine organisms (e.g., clams, worms, and shrimp) live beneath the top 5 centimeters of sediment.

- The TMDL should contain concrete implementation milestones to ensure existing impairments are addressed in a timely manner. For instance, one third of the hotspots identified in the Contaminated Sediment Plan should be cleaned up within Phase I of the Implementation period, and the remaining two thirds should be remediated ten years into TMDL implementation. This would ensure responsible parties will be on the path to meet sediment targets within 15 years and would add more specificity than the current requirement calling for milestones for remediation of only hot spots in the sediment management plan, which will take five years from the effective date of the TMDL to be drafted.

In sum while there are several positive aspects of this TMDL, there are also a number of large short-comings that should be evaluated. Thank you for your consideration of these comments. If you have any questions, please contact us at (310) 451-1500.

Sincerely,

Kirsten James, MESM
Water Quality Director

W. Susie Santilena, MS, E.I.T.
Water Quality Scientist