

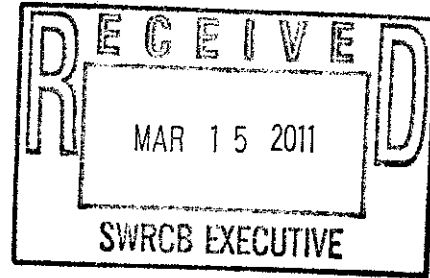
# ORANGE COUNTY SANITATION DISTRICT

We protect public health and the environment by providing effective wastewater collection, treatment, and recycling.



March 15, 2011

Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814



**SUBJECT: Comment Letter – Sediment Quality Objectives Amendment**

Orange County Sanitation District appreciates the opportunity to comment on The Proposed Amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries of California Part 1: Sediment Quality Objectives. We appreciate how difficult it has been to develop Sediment Quality Objectives and applaud the State's efforts to produce scientifically based methods for assessing sediment impairment in California's enclosed bays and estuaries.

The intended benefit of developing this policy by the State was to protect benthic community structure, human health, and wildlife health while providing a uniform scientifically based policy for the Regional Boards to implement in a standardized format. The policy provides a specific framework that is being enforced; however, it is not being done so in a uniform way by all Regional Boards creating some confusion for Stakeholders. The SQO Part 1 provides a methodology for assessing benthic community structure health. It specifically states that the policy does not provide clean up numeric levels or recommended mitigation measures. "The chemistry LOE of Section V.H.2, including the threshold values (e.g. CSI and CALRM), shall not be used for setting cleanup levels or numeric values for technical TMDLs." If the SQO analysis has determined there to be an impairment for an area, the policy provides guidance on the necessary step of conducting a causation study to determine the chemical component/s creating that impairment. Once the specific chemical or suite of chemicals have been determined, then a waste load allocation can be assessed. The SQO policy has provided a clear set of tools and specific guidance on how to assess the chemical constituents of concern. Skipping this step and pulling numbers from the policy chemistry tables for waste load allocations is inappropriate and not helpful to protecting and cleaning up the environment that has been impacted. Each area must be assessed at a site specific level and the clean-up actions need to be based on scientifically defensible criteria. The purpose of the SQO is to conduct an assessment and determine if any impairment is observed. Causation and waste load allocations are outside of the SQO policy and if stakeholders/Regional Board staff would like more tool sets developed for TMDL efforts, then money should be set aside by the State to fund that as a new policy effort rather than diminish the utility and function of the SQO policy.

Regional Boards were given flexibility in the policy to determine the site specific nature of each area being investigated. We ask that this flexibility be used to investigate the history of the site, the best methods of clean up action that would be sustainable long term, and to use the causation step to understand the chemical pollutants that are causing the problem. In this economic climate, it is important to spend clean up money in ways that will truly benefit the environment. To help

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- Heena Park
- Cypress
- Fountain Valley
- Fullerton
- Garden Grove
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- La Palma
- Los Alamitos
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- Orange
- Pasadena
- Santa Ana
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- Stanton
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standardize and interpret the SQO policy systematically, we recommend that all Regional Boards receive multi-day training on the methods and policy actions. Using case studies in each regional area that staff are familiar with and incorporating hands on guidance through these case studies from the policy developers, would help standardize the implementation tremendously state wide. The State has already put good effort towards stakeholder training through SETAC workshops which we appreciate. Increased effort towards training Regional Board staff will help build bridges of understanding and cooperation between regulators and the regulated community towards the common goal of doing what is best for the environment.

An additional area of concern that currently undermines the scientific validity of the State adopted SQO methods is the 303(d) policy language. Waterbodies that show impairment through the SQO process should be listed as impaired. As currently written, the 303(d) policy allows Regional Boards to break the SQO process into individual lines and list on only one line of evidence. The SQO policy states clearly that single lines of evidence do not accurately portray the impairment of a waterbody and that all three lines must be measured and evaluated together. This has also been published and accepted in the scientific literature. Listing based on one line of evidence is not scientifically defensible and undermines the proper implementation of Sediment Quality Objectives. This practice leads to an over-abundance of false positives of impaired waterbodies in an economic climate where funding is limited. Effort should be put into properly classifying waterbodies and putting funding where it is most needed for clean-up and abatement work. The State held a public hearing last year to begin resolving these issues, however that effort has stalled. We ask that the discrepancy resolution between the two policies continue in hopes that the State can quickly determine true areas of impairment, prioritize waterbodies based on the level of impairment, and begin cleaning these areas so that they meet the beneficial uses as designated.

The Orange County Sanitation District's mission is to protect public health and the environment by providing effective wastewater collection, treatment, and recycling. We are pleased to see the amended inclusion of wildlife and resident finfish protection added back to the Sediment Quality Objectives policy. The narrative objective proposed for these endpoints provides needed protection and we agree that this protection needs to be evaluated on a case-by-case basis, based on an ecological risk assessment.

Should you have any questions with regards to the enclosed comments please contact Lisa Haney at (714) 593-7404

Sincerely,

James Colston  
Environmental Compliance Manager