



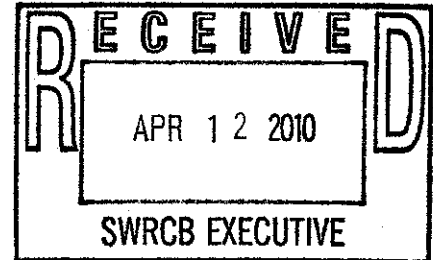
# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

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STEPHEN R. MAGUIN  
Chief Engineer and General Manager

April 12, 2010

Ms. Jeanine Townsend  
Clerk to the Board  
Executive Office  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814



Dear Ms. Townsend:

## **Comments on State Water Quality Control Policy for Sediment Quality Objectives as Listing Criteria for Enclosed Bays and Estuaries**

The County Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate the opportunity to provide input regarding the scope and content of the proposed amendment to State Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy), related to sediment quality objectives (SQOs). The Sanitation Districts are a confederation of 23 special districts that operate and maintain regional wastewater and solid waste management systems for over 5 million people who reside in 78 cities and unincorporated areas in Los Angeles County. The Sanitation Districts own and operate eleven wastewater treatment plants, including the Joint Water Pollution Control Plant (JWPCP), which directly discharges to the Pacific Ocean. The Sanitation Districts have actively participated in the development of SQOs through the SQO Stakeholder Advisory Committee and interaction with the SQO Scientific Steering Committee and the SQO Science Team. We possess nearly 40 years of experience in monitoring and assessing sediment conditions in estuary and marine environments.

The proposed amendment will seek to provide consistency between the Listing Policy and the requirements of the recently approved Water Quality Control Plan for Enclosed Bays and Estuaries (Part 1) – Sediment Quality Objectives (SQO Policy). The State Water Quality Control Board staff (Board Staff) has proposed three alternatives for evaluation in reaching consistency between the SQO Policy and the Listing Policy. These alternatives are: 1) No action; 2) Amend the Listing Policy to ensure consistency with the SQO Policy; 3) Use the SQO Policy as an evaluation guideline, instead of amending the Listing Policy for consistency.

The Sanitation Districts strongly support the amendment of the Listing Policy to ensure consistency with the SQO Policy (Alternative 2). The SQO Policy is unique in the integration of multiple lines of evidence to assess condition and use of stressor identification evaluations to refine listings or delist impairments consistent with the specific stressor(s) causing the impairment. We believe it is essential that the Listing Policy reflect the well-considered program of implementation contained within the SQO Policy that addresses evaluation of water bodies for placement on the 303(d) list based upon sediment quality.

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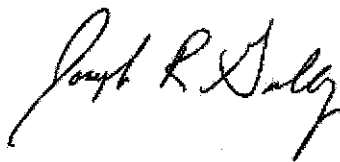
The Sanitation Districts also believe that an amendment to the Listing Policy is needed to specifically address delisting of impaired waters based upon SQOs. The Listing Policy currently relies on use of a binomial statistic to determine whether a delisting should occur for sediment toxicity. Under this approach, a minimum of 28 samples is required before a delisting can be considered. Due to the relatively high cost associated with each station assessment (>\$5,000 each), the use of the binomial statistic is inappropriate and impractical for delisting SQO-based impairments. Additionally, it will be impractical in some water bodies to identify 28 independent stations for SQO assessments. Furthermore, there is still a high degree of uncertainty as to the frequency at which sediments may be considered toxic due to natural sources. Therefore, the Sanitation Districts believe that the approach for delisting water bodies for SQO-based impairments needs careful consideration and should be reflective of the uniqueness of the SQO Policy. We strongly urge Board Staff to take advantage of the expertise and perspective available through the SQOs' Science Team and Stakeholder Advisory Committee in the ongoing development of the proposed amendment.

If Alternative 2 is adopted and the amendments to the Listing Policy provide an alternative to the binomial distribution approach to delisting, then the Sanitation Districts believe reasonably foreseeable environmental impacts may be avoidable. However, if Alternative 1 (no action) or Alternative 3 (use the SQO Policy as guidance) is chosen, then the Sanitation Districts believe that there will be reasonably foreseeable significant environmental impacts. Such impacts could be caused by the need to take actions to remediate sediment and/or install additional treatment on wastewater discharges to address sediment listings that are inappropriately included on the 303(d) list of impaired waters. These actions could have reasonably foreseeable impacts to aesthetics (during dredging and/or construction and operation of treatment), air quality (additional greenhouse gas production caused by energy needed to operate treatment, as well as air quality impacts during treatment construction), noise (during dredging and/or construction and operation of treatment), energy (additional energy consumed during operation of treatment), and hydrology (if discharges are reduced or diverted to different locations to reduce loadings of pollutants to sediments).

Again, the Sanitation Districts appreciate the opportunity to provide input on this issue. Please feel free to contact the undersigned at (562) 908-4288, extension 2818 via telephone or [jgully@lacsds.org](mailto:jgully@lacsds.org) via email if you have any questions regarding these comments.

Sincerely yours,

Stephen R. Maguin



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Supervising Environmental Scientist  
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JRG:dhs