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October 27, 2011

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Dear Ms. Townsend:

COMMENT LETTER – MACHADO LAKE PESTICIDES AND PCBs TMDL

The City of Los Angeles, Bureau of Sanitation (Bureau) appreciates the opportunity to provide technical comments to the State Water Resources Control Board (State Board) for the proposed approval of the Los Angeles Regional Water Quality Control Board's (Regional Board) Basin Plan Amendment (BPA) to incorporate a Total Maximum Daily Load (TMDL) for Pesticides and PCBs in Machado Lake. While the Bureau appreciates and thanks Regional Board staff for the efforts in developing the BPA and addressing specific Bureau concerns, the Bureau continues to have concerns with a certain technical issue that was included in the Bureau's June 1, 2010 comment letter to the Regional Board. As described herein, the responses provided by the Regional Board did not adequately address this concern and the Bureau is therefore submitting this comment to the State Board for consideration.

The Bureau has the following specific technical comment:

1. DISCHARGERS WHO CONTRIBUTE CONTAMINATED SEDIMENT TO MACHADO LAKE MUST BE JOINTLY RESPONSIBLE FOR ANY FUTURE IMPLEMENTATION ACTIONS NECESSARY TO PROTECT MACHADO LAKE

In the June 1, 2010 comment letter to the Regional Board, the Bureau requested additional clarity regarding recontamination of Machado Lake from upstream dischargers after the completion of the City of Los Angeles's Machado Lake Ecosystem Rehabilitation Prop O Project. Regional Board staff agreed with this request and provided clarifying language in the Final BPA. While the Bureau greatly appreciates the revision provided by the Regional Board, as the City of Los Angeles is investing approximately \$120 million in the rehabilitation of Machado Lake, the added language did not adequately clarify the upstream



dischargers responsibility for future cleanup and the Bureau remains concerned about the potential for recontamination after the completion of the Proposition O Rehabilitation Project. More explicit language is needed to clarify the responsibility of dischargers if Machado Lake is recontaminated.

The concern of recontamination is based upon all upstream discharges as a potential source, but in particular, bed sediments in Wilmington Drain. These sediments are a known source of pesticides and PCBs. The Bureau is concerned that such a large source of pesticides could be mobilized over time through typical storm events or deposited in the lake from one major storm event. As noted in the June 1, 2010 comment letter, the Bureau strongly supports the removal of the in-channel sediment before the Prop O Rehabilitation Project is completed. However, if such sediment is not removed, and such sediment leads to exceedances of TMDL targets in Machado Lake, the Bureau requests that the BPA ensure that all upstream dischargers are fully responsible for any additional remediation or implementation actions.

The requested clarifying revisions are to language on Page 12 of the Final BPA (Implementation Plan) as follows (deletions indicated in strikethrough text; additions indicated in bold, italicized text):

~~After lake remediation activities, to address existing sediment contamination, are complete and LAs are attained, if Machado Lake is recontaminated as a result of continued polluted discharge from the surrounding watershed,~~

If TMDL targets for sediment and/or fish tissue are exceeded within the lake after the completion of the City of Los Angeles's Machado Lake Ecosystem Rehabilitation Prop O Project, then dischargers that contributed contaminated sediment to Machado Lake will be responsible for future implementation actions necessary within Machado Lake to comply with the TMDL (such as dredging of the lake).

The WLA compliance monitoring data will be used, along with other available information, to assess the relative contribution of watershed dischargers and determine their responsibility for secondary lake remediation activities. ~~If a significant amount of contaminated sediment is transported to Machado Lake from the surrounding watershed after lake remediation activities are completed, but before monitoring is conducted to confirm attainment of LAs, Regional Board staff shall consider all information related to watershed discharges and lake conditions when assessing responsibility for secondary lake remediation activities.~~

Requested Action: *On page 12 in the Implementation Plan section of the Final BPA, revise the language as noted above.*

2. SOURCE ASSESSMENT NEEDS TO INCLUDE IN-CHANNEL SEDIMENT FROM WILMINGTON DRAIN

For the Machado Lake Ecosystem Rehabilitation Prop O Project, the City of Los Angeles assessed four sites in Wilmington Drain to measure levels of organochlorinated pesticides

and PCBs in the soft bottom sediment. All four sites showed exceedances for all pesticides between 0-6 feet. This bottom sediment is a potentially significant source of organochlorinated pesticides and PCBs to Machado Lake. In the June 1, 2010 comment letter, the Bureau requested that the Source Assessment section of the Staff Report and the Source Analysis section of the BPA quantify the source of in-channel sediment in Wilmington Drain. In the Response to Comments, the Regional Board noted that such information was added to the Final Staff Report. The Bureau appreciates the revision to the Staff Report, but for consistency, respectfully requests that the information pertaining to Wilmington Drain as a source of contaminated sediment is also included in the Final BPA. The requested additional language to Page 4 of the Final BPA (Source Analysis) is as follows (additions indicated in bold, italicized text):

In addition, sediment within Wilmington Drain is a reservoir of contaminated sediment. If this sediment is transported downstream to Machado Lake, it would be a significant source of contaminated sediment and could contribute to exceedances of TMDL targets.

***Requested Action:** On page 4 of the Source Analysis section of the Final BPA, include the additional language as noted above.*

3. TMDL SCHEDULE SHOULD INCLUDE AN EXPLICIT REOPENER TO OCCUR CONCURRENTLY WITH THE REOPENER OF THE MACHADO LAKE NUTRIENT TMDL

In the June 1, 2010 comment letter, the Bureau requested the inclusion of a task in the Implementation Plan section of the BPA to incorporate an explicit reopener of the TMDL to occur concurrently with the reopener of the Machado Lake Nutrient TMDL. This revision was not included in the Final BPA. In the Response to Comments, the Regional Board noted that a reopener would be necessary to consider the results of special studies or data gaps that would impact the TMDL targets or allocations, not to consider implementation actions.

However, as noted in the comments above, Wilmington Drain contains a substantial amount of contaminated sediment. The Regional Board recognized Wilmington Drain as a source of contaminated sediment and stated that the Board may use regulatory programs or orders to require the cleanup of Wilmington Drain within the Prop. O timeline (emphasis added):

*“These data document the presence of contaminated sediment residing in Wilmington Drain. **If this sediment is transported downstream to Machado Lake it would be a significant source of contaminated sediment.**” – Final Staff Report, pg. 34*

*“Additionally, the TMDL calls for specific monitoring of bed sediment in Wilmington Drain by the County of Los Angeles Flood Control District to ensure that sediment from Wilmington Drain is not recontaminating Machado Lake. **The Regional Board may use other regulatory programs or issue other orders to require the clean up of Wilmington Drain, if necessary.** Regional Board staff recognizes the importance and investment of the Proposition O projects and commends the City of Los Angeles on the planned*

projects that will improve water quality throughout the city. Regional Board staff is supportive of the Prop O Machado Lake Ecosystem Rehabilitation Projects. ***Staff will work with all responsible parties in the watershed to coordinate monitoring and/or remediation measures with the Prop O timeline.***” – Response to Comments, Comment 1.7, pg. 11

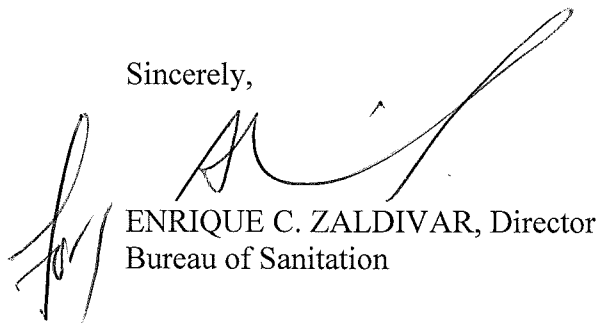
The collection of additional data, as currently required by the TMDL, may warrant the addition of allocations assigned to the Los Angeles County Flood Control District for the bed sediment in Wilmington Drain. Therefore, the Bureau respectfully requests the following:

Requested Action: Revise that the Implementation Plan to include an explicit reopener of the TMDL, to occur concurrently with the reopener of the Machado Lake Nutrient TMDL, to consider additional allocations for Wilmington Drain.

The Bureau is committed to improving and protecting the local environment as evidenced by the implementation of the \$120 million Machado Lake Ecosystem Rehabilitation Prop O Project. The Prop O project includes both measures to reduce accumulated sediment and associated pesticides and PCBs in the lake and to reduce stormwater discharge loads. This investment in the future is done in partnership with your agency to achieve maximum return in local environmental programs and infrastructure.

Thank you for your consideration of these comments. If there any questions, please feel free to call Donna Toy-Chen at (213) 485-3928 or Dr. Shokoufe Marashi, Staff lead on this TMDL at (213) 485-3937.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

EZ:SK:SM
WPDCR 8889

cc: Deborah J. Smith, Regional Water Quality Control Board
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