



April 16, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I street, 24th floor
Sacramento, CA 95814

commentletter



Comment Letter – California Ocean Plan Amendments

The City of Rancho Palos Verdes (City) has two coastline marine protected areas (MPAs) that are likely to be affected by the proposed Resolution 2010-0057, the State Water Quality Protection Areas (SWQPAs). These two areas are Pointe Vicente and Abalone Cove. The City values a productive and esthetic coast line and this letter will limit its comments to items that may directly impact the City.

The term “natural ocean water quality” is used numerous times throughout the amendment. The City feels that this term needs to be more explicitly defined, and baseline data used to determine this standard described.

The City is already operating under an MS4 permit which is scheduled to be significantly upgraded in the next few months. The City hopes that any SQWPA-GP activities will not duplicate or, worse, conflict with MS4 requirements. Also, as the proposed new MS4 permit contains provisions for outfall monitoring, all existing point and non-point discharges and discharge facilities (outfalls, etc) should be allowed to remain in place and in use unless these fixtures are identified, through an illicit discharge or TMDL monitoring program, to be a source of elevated pollutants that are causing impairments to the MPA.

The City is also subject to 8 TMDLs, 3 of which govern discharge to the Santa Monica Bay (bacteria, toxics and marine debris). Adopting guidelines to designate SWQPAs opens the door for redundant regulations on storm water runoff to be put in place in the future. This could result in SWQPAs being designated and water quality standards being implemented in areas already subject to TMDL(s) and corresponding TMDL schedule(s). The City has spent much of its limited resources complying with NPDES and TMDL schedules and this type of redundant regulation will be confusing and counterproductive to many of the efforts that RPV is already undertaking.

It is estimated that from 1953 to 1971 somewhere between 1,500 to 2,500 tons of DDT were discharged from Montrose to LACSD through the Whites Point outfall to the coast of Palos Verdes and the Palos Verdes Shelf (ref: US EPA Total

Maximum Daily Loads For DDTs and PCBs in Santa Monica Bay). Sediment contamination still exists off the coast of the Palos Verdes Peninsula and this area has been listed as a Superfund site. Efforts by the US EPA to address the cleanup of this site are ongoing. The City feels that an evaluation of the site's effect on coastal water quality in this area should be included in any evaluation of SWQPA-GPs off the coast of the Palos Verdes Peninsula to verify that water quality objectives are not exceeded as a result of re-suspended chemicals from the existing DDT dump site.

There is an active landslide in the area. Land movement of up to several feet per year in some areas has been documented. There is the potential for a significant amount of sediment to collapse along the coastline. Any SWQPA designation needs to take into account that, from time to time, massive discharges of sediment may naturally occur and that continual discharge of smaller but significant amounts of sediment is a daily occurrence. While the City will support efforts to keep the MPA as pristine as possible, water quality efforts should not be aimed at achieving water quality levels that would quickly be negated by recurring, natural and inevitable occurrences.

The difference between a SWQPA-ASBS (Areas of Special Biological Significance) and SWQPA-GP (General Protection) are not sufficiently defined. In fact, it appears that a SWQPA-GP designation could potentially have the same restrictions as an SWQPA-ASBS if the local Regional Board decides such. Clear procedures should be in place to allow City input if ASBS type restrictions begin to be required of GP sites.

A Marine Life Protection Act (MLPA) Master Plan Science Advisory Team (SAT) concluded that "effluent from municipal sewage and industrial wastewater outfalls [is of] the least concern" compared to other water quality threats. Further, the SAT suggested that the Regional Water Quality Control Boards (Regional Water Boards) could recommend to the State Water Board the designation of additional SWQPAs over existing MPAs, OR identify as a priority and complete the identification and allocation of TMDLs that could restore water quality in MPAs (Amendment of The Water Quality Control Plan Ocean Waters of California Scoping Document, pg. 2). The City questions whether there is scientific support for the proposed designation of SWQPA-GP when TMDLs are already in place and were found to be sufficient at protecting water quality in these areas. Further, the scoping document states, "Existing wastewater outfalls represent an important public service and substantial infrastructure, and when discharges comply with NPDES permits, water quality should not be harmed" (Amendment of The Water Quality Control Plan Ocean Waters of California Scoping Document, pg. 2). The City has been in compliance with NPDES permits since the inception of the program. It seems that a site specific scientific analysis needs to be conducted to support the claim that further protections on water quality are needed.

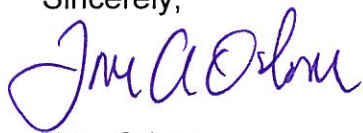
The proposed amendments state that conditions to protect water quality in SQWPAs would be required to address storm water quality and non-point sources and the scoping document lists suggested conditions as follows: 1) receiving waters at the point of discharge may not contain pollutant concentrations that exceed background concentrations of constituents, 2) receiving waters at the point of discharge would not be allowed to contain pollutant levels that exceed Ocean Plan objectives, 3) runoff would be required to meet effluent targets set at instantaneous maximum objectives at the “end-of-pipe”. Again, the City feels that this language is redundant and that TMDLs and NPDES permits sufficiently address storm water discharges. Further, “instantaneous maximum objectives” need to be well defined so that the City is not subjected to unrealistic single sample objectives.

There is no compliance schedule or implementation period discussed in these amendments. Therefore, the cities subject to this regulation would be exposed to third party lawsuits while working on a program to reach compliance. We feel there needs to be a compliance schedule explicitly detailed in the designation of SWQPA-GPs. The City has spent considerable resources to be in compliance with all NPDES and TMDL objectives and waste load allocations to date. This type of language could result in unnecessary costs incurred by the City in order to further demonstrate compliance.

In conclusion, the City wants to make sure there is a provision for exemption in the designation of SWQPA-GP that allows the Executive Officer of the local Regional Boards to make the determination, that cities which are adequately implementing programs under their MS4 program have satisfied SWQPA-GP criteria. This is necessary so that cities like Rancho Palos Verdes with no industry and already subject to numerous TMDLs are not unnecessarily held to redundant and unnecessary monitoring programs.

We appreciate the opportunity to comment. Please feel free to contact me if you have any questions.

Sincerely,



Tom Odom
Director of Public Works