



## MAYOR BOB FOSTER

CITY OF LONG BEACH

February 3, 2012

Mr. Charles R. Hoppin, Chair  
State Water Resources Control Board  
100 I Street  
Sacramento, CA 95814



**RE:** City of Long Beach Comments regarding Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load

Dear Mr. Hoppin:

On behalf of the City of Long Beach, I am writing to officially transmit the attached City of Long Beach Technical Supplemental Comments on the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load (TMDL). Simply put, the TMDL being presented to the State Water Resources Control Board (State Board) is not based on sound science and sets unrealistic and infeasible objectives that could result in more environmental damage than benefit.

Since 2005, the City of Long Beach, through the Port of Long Beach, and the Port of Los Angeles have spent over \$5 million gathering data in an attempt to ensure that this TMDL would be scientifically sound and technically feasible. Unfortunately, as discussed below, this particular TMDL has severe deficiencies. The City continues to have significant concerns about the scientific methodology used to develop the TMDL and the feasibility of compliance with the TMDL as written.

Long Beach absolutely supports the concept of addressing water and sediment quality in the Dominguez Channel and in City and Harbor waters. Long Beach is known as a leader on water quality issues, working hand in hand with groups like Heal the Bay to embrace our water quality challenges and push for change both in Long Beach and in upstream cities to collectively tackle our water quality problems. However, this TMDL breaks with the tradition of requiring regional partnerships to clean up regional pollution by unfairly placing the burden of decades of regional pollution solely on the Cities of Long Beach and Los Angeles and our respective ports. Sediment and Fish contamination has been and continues to be a regional problem that requires a regional solution.

The TMDL also uses excessively conservative Fish Contaminant Goals (FCGs) to set fish tissue targets. In fact, the TMDL uses a completely different scientific standard than the Palos Verdes Shelf, reducing allowable limits to 20 times less than the allowable

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standard at the Palos Verdes Shelf. Yet, the TMDL does not recognize the fact that fish migrate freely between the Palos Verdes Shelf and the San Pedro Bay. Just this week, the Long Beach Press Telegram ran a story about contamination in white croakers on the Palos Verdes Shelf and the study Cal State University Long Beach is currently running to track fish movement. In that article, biologist Chris Lowe stated:

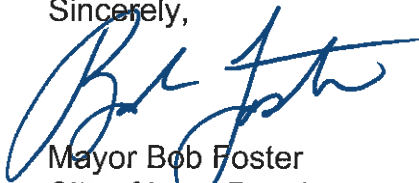
“We’re still in the middle of the project but we are finding fish moving quite a bit. One of the big questions was whether fish caught on the shelf actually go in the harbor, and we can now confirm that. About 30 percent of fish we tagged (in the contaminated area) go into the harbor.”

Further, TMDL could ultimately result in dredging the Port of Long Beach, the Port of Los Angeles, and the entire East San Pedro Bay from the Breakwater to the shore. Combined, this could result in a roughly estimated 64 million cubic yards of dredge material. If trucked to an upland disposal site, it could cost in excess of \$18 billion dollars and require up to 4.3 million one-way truck trips. If disposed at sea, that amount of material is equivalent to four times the size of the current Port of Long Beach, not counting an unknown quantity of clean material that would be needed to serve as a containment cap. This would clearly create significant unintended impacts for Long Beach and the region, creating air pollution and harming large areas of underwater habitat.

Given the deficiencies in the science, the impracticality of implementation, and the significant economic and environmental impacts this TMDL would create, Long Beach is requesting that the State Board remand the TMDL back to the Regional Board. Together, in partnership with the Regional Board, the EPA, cities and the environmental groups we can refine and develop a TMDL that is both based on sound science and can be reasonably implemented.

The Port of Long Beach has offered to assist in developing a sound scientific method to more accurately measure contamination levels and assist in the development of a more sound TMDL. I look forward in continuing our partnership to reach the shared goal of cleaner waters and a healthy ocean environment.

Sincerely,



Mayor Bob Foster  
City of Long Beach

cc: Matthew Rodriguez, Secretary for Environmental Protection,  
California Environmental Protection Agency

City of Long Beach Technical Supplemental Comments as Prepared by Staff for:  
The Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters  
Toxic Pollutants Total Maximum Daily Load

The City of Long Beach appreciates the opportunity to continue to work with the State Water Resources Control Board (State Board), Los Angeles Regional Water Quality Control Board (Regional Board), and the United States Environmental Protection Agency, Region 9 (EPA) on the development of the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants Total Maximum Daily Load (TMDL). As it is known, the City and the Port of Long Beach (POLB) have been active stakeholders in this process of the subject TMDL since 2005, contributing significant resources to the development of this TMDL. The POLB has collected and shared data, comments, and technical expertise throughout the process and has been very grateful for the State Board, Regional Board and EPA staffs' willingness to work cooperatively on this effort.

Unfortunately, the City continues to have significant concerns about the scientific methodology used to develop the TMDL and the feasibility of compliance with the TMDL as written. As such, Long Beach is requesting that the State Board remand the TMDL back to the Regional Board, to refine and develop a TMDL that is both based on sound science and can be reasonably implemented.

The City of Long Beach is committed to improving the quality of its, beaches, harbor waters and sediments. Despite being on the receiving end of the Dominguez Channel, Los Angeles River, and San Gabriel River watersheds, we have made considerable progress on this front in projects such as the Gateway Cities Project for the installation of treatment trash screens; Current Remediation and Restoration Work on the Colorado Lagoon; Installation of trash nets and vortex separation systems (VSS) units in our storm drain pump stations; Installation and operation of low flow diversion devices in storm drain pump stations around the Alamitos Bay; Council of Government participation in the implementation of current and future TMDLs such as the Los Angeles River Metals TMDL, the Los Cerritos Channel TMDL, Coyote Creek TMDL; with a longer list of activities which can be provided upon request. Most recently the City was praised by Heal the Bay for achieving A and B grades in its End of Summer Beaches Report Card. Since 2005, the City of Long Beach, through its POLB, and the Port of Los Angeles have spent over \$5 million gathering data in an attempt to ensure that this TMDL would be scientifically sound. Unfortunately, as discussed below, this particular TMDL has significant and serious deficiencies.

This TMDL is not based on sound science, does not meet the legal requirements of the federal Clean Water Act, the Porter-Cologne Act, nor the California Environmental Quality Act (CEQA). As written, the TMDL sets unrealistic and infeasible objectives that could result in more environmental damage than benefit by destroying currently healthy ecosystems and increasing air pollution as a result of dredging and transport.

Of most concern to the City is the fact that the TMDL unfairly places the burden of decades of regional pollution solely on the Cities of Long Beach and Los Angeles and our respective ports. Sediment and Fish contamination has been and continues to be a regional problem that requires a regional solution. Sediment remediation and storm

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water treatment could be in the billions of dollars over the next 20 years, with costs for compliance monitoring and special studies as high as a million dollars per year. In particular, legacy contaminants, known to have originated from the Montrose Chemical company and that remain present in the storm drains entering Dominguez Channel and Consolidated Slip, have been and continue to enter the Harbor and be distributed to the sediments. Placing the Cities and Ports responsible for bioaccumulation of these compounds in fish or even conducting the necessary studies is inappropriate

The TMDL uses targets inconsistent with State Board policy, specifically the Sediment Quality Objectives (SQOs). Instead of using SQOs, the TMDL uses Effects Range Low (ERL) screening values as sediment targets within San Pedro Bay. The TMDL also uses excessively conservative Fish Contaminant Goals (FCGs) to set fish tissue targets. Advisory Tissue Levels or the Palos Verdes Shelf numbers would be more appropriate targets. The use of FCGs instead of the Palos Verdes Shelf numbers sets two different standards for adjacent areas. Because fish migrate between the Palos Verdes Shelf and the San Pedro Bay, it is illogical to use FCGs in this TMDL when the Palos Verdes Shelf numbers are scientifically based, established for an adjacent area and are an existing target.

The application of responsibilities within each segment of the Harbor waters appear linked to the modeling results that have many flaws that were identified in previous comments. A large proportion of stormwater associated with the City of Long Beach MS4 permit, enter through the Los Cerritos Channel Watershed and directly into the Alamitos Bay/Marine Stadium complex. Years of monitoring stormwater plumes in this region demonstrated that it is rare for any of the plume to exit through the breakwaters at the entrance to Alamitos Bay. The modeling did not reflect this fact and even did not include the presence of the breakwater. The modeling also failed to assess flux at the eastern entrance to the Harbor complex. Aerial and satellite photography typically show stormwater plumes from the San Gabriel River heading offshore and to the east.

WLAs for San Pedro Bay and the Los Angeles River Estuary fail to recognize loads from the entire Los Angeles River watershed. Although upstream studies are required, initial WLAs do not appear to incorporate estimates of these loads. We realize that a metals TMDL exists for the Los Angeles River watershed and address water quality but it does not address sediment delivery to the Estuary and San Pedro Bay.

Prior to adoption by the Board, this TMDL must be scientifically sound, technically and economically feasible, and executed in a manner that ensures environmentally harmful and unwarranted costly actions are not required. The City does not believe the proposed TMDL meets this standard, and therefore requests that the TMDL be remanded back to the Regional Board for further refinement.