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February 3, 2012

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

Dear Ms. Townsend:

**REVISED TECHNICAL COMMENT LETTER – PROPOSED RESOLUTION
(JANUARY 25, 2012) FOR THE DOMINGUEZ CHANNEL AND GREATER LOS
ANGELES AND LONG BEACH HARBOR WATERS TOXIC POLLUTANTS TMDL**

The City of Los Angeles, Bureau of Sanitation (LA Sanitation) is in support of the proposed TMDL for the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants with the clarifications made by the State Board. We are also requesting an additional technical clarification as outlined below. LA Sanitation thanks the State Board, the Los Angeles Regional Board and their respective staff for working with the issues in an open, collaborative and constructive manner.

The LA Sanitation appreciates and supports the clarifications made by the State Board to the proposed Resolution, including the following:

- Providing additional clarity that the Phase 1 SQOs will be a mechanism for demonstrating compliance with direct effects and acknowledging that the Regional Board will use the Phase 2 SQOs to determine compliance with final indirect effects allocations;
- Directing State Board staff to prioritize development of the assessment methodology to support implementation of the “indirect effects” SQOs to protect human health as Phase 2 of the State’s SQOs; and
- Directing Regional Board to evaluate the results of special studies before reconsidering wasteload allocations (WLAs) for indirect effects.



In addition to the above, LA Sanitation requests the State Board considers one more clarification to the Resolution.

1. ADDITIONAL CLARIFICATION IS NEEDED RELATED TO THE FINAL MASS-BASED SEDIMENT ALLOCATIONS

LA Sanitation requests additional clarity be provided regarding the method used for developing the WLAs in the TMDL such that NPDES permits can be written consistent with the assumptions of the WLAs. The final mass-based sediment TMDLs for metals, PAHs, total DDT and total PCBs represent the mass of an individual pollutant that could be deposited in bed sediment and meet the calculated loading capacity rather than the mass that could be discharged.

While the TMDL Staff Report outlines the approach, there is no language in the BPA, the TMDL Staff Report, or the Regional Board or State Board resolutions that clearly indicate the mass-based allocations are assigned to what is deposited and that permit writers must consider this assumption when developing limits. Rather, page 17 of the Final BPA states "Compliance with mass-based WLAs shall be measured at designated discharge points." The Resolution should clarify that the WLAs (including WLAs for Terminal Island Water Reclamation Plant) apply to what settles on the bed sediment and does not directly correspond to an allowable effluent concentration. Additionally, the State Board Report (page 4) states that the WLAs are applied strictly as annual limits without acknowledging the key assumption of the WLA. Basing compliance with mass-based WLAs at designated discharge points is not only contradictory to the assumptions of the WLAs, which are based on an acceptable bed sediment condition rather than a discharge condition, but would also require dischargers to reduce loadings well below a level that would cause or contribute to an impairment in the sediment.

LA Sanitation made similar requests regarding this matter in comment letters dated February 18, 2011 and October 28, 2011 to the Regional Board and State Board, respectively. The State Board's Response to Comments notes, in part:

"The allocations for MS4 permittees and other permittees represent the allowable settleable load."

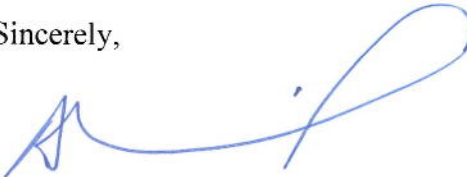
LA Sanitation respectively requests that this statement also be included in the Resolution to provide the necessary clarity. Adding this clarification in #6 of the "Whereas clauses" on page 2 of the Resolution would be consistent with the clarity added regarding the intent of the TMDL targets.

Requested Action: Incorporation of the following clarifying language following #6 of the "Whereas clauses" - adjusted to be consistent with the State Board's proposed Resolution - would help guide responsible parties as they design and implement BMPs to meet the protective conditions and ensure compliance with the TMDL: "The State Water Board reiterates that the mass-based sediment allocations in this TMDL indicate the allowable settleable load to bed sediments from each source."

Jeanine Townsend, Clerk to the Board
February 3, 2012
Page 3

Once again, LA Sanitation echoes its support for the TMDL with the clarifications made and thanks the State Board for consideration of these technical comments. If there any questions, please feel free to call Donna Toy-Chen at (213) 485-3928 or Charlie Yu, staff lead on this TMDL at (213) 485-3929.

Sincerely,


for

ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

ECZ:SK:DC:CY
WPDCR 8923

cc: Sam Unger, Regional Water Quality Control Board
Deborah J. Smith, Regional Water Quality Control Board
Renee Purdy, California Regional Water Quality Control Board – Los Angeles Region
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