

Department of Water and Power



the City of Los Angeles

ANTONIO R. VILLARAIGOSA
Mayor

Commission
H. DAVID NAHAI, *President*
EDITH RAMIREZ, *Vice President*
MARY D. NICHOLS
NICK PATSAOURAS
FORESCEE HOGAN-ROWLES
BARBARA E. MOSCHOS, *Secretary*

RONALD F. DEATON, *General Manager*

VIA: E-Mail and US Mail

November 28, 2006

Ms. Song Her
Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100



Dear Ms. Her:

Subject: Los Angeles Department of Water and Power Comments on the
State Water Resources Control Board (State Board)
Scoping Document Development of Sediment Quality
Objectives for Enclosed Bays and Estuaries

The Los Angeles Department of Water and Power appreciates the opportunity to review and comment on the State Board's Scoping Document dated August 17, 2006 for the Development of Sediment Quality Objectives for Enclosed Bays and Estuaries and provides the enclosed comments for your review and consideration.

If you have any questions regarding these comments, please contact Fazi Mofidi at 213-367-0280.

Sincerely,

Katherine Rubin
Interim Manager of Wastewater Quality Compliance

FM: bdc
Enclosure
c/enc: Fazi Mofidi

Water and Power Conservation ... a way of life

111 North Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles 90051-5700
Telephone: (213) 367-4211 Cable address: DEWAPOLA



Los Angeles Department of Water and Power (LADWP) Comments on the
State Water Resources Control Board (State Board) Scoping Document
Development of Sediment Quality Objectives for Enclosed Bays and Estuaries

LADWP appreciates the State Board's strong support for the science based approach taken in developing the Sediment Quality Objectives. There is no substitute for basing important policies and regulations on the best available scientific knowledge. LADWP offers the following comments on the Scoping Document.

General Comment

Sediment Quality Objectives (SQO) will not operate independently, but will be part of a complex system of water and sediment quality regulation that includes, for example, dredging regulations, the 303(d) listing policy, NPDES permitting, and TMDLs. It is, therefore, essential for the State Board and the Regional Water Quality Control Boards to consider carefully how the new SQOs would be integrated with these other programs. In particular, LADWP emphasizes the importance of clearly articulating what actions might be required, under other water quality regulatory programs, when a waterbody, or a portion of a waterbody does not meet the SQOs.

Specific Comments

Comment 1: Page 37, Section (3)(I)(C) – Plan Review Frequency

The State Board indicates that this plan shall be reviewed every three years. During this three year period a new tool or technology may become available for the protection of sediment quality. In this case, the State Board should have the flexibility to review the plan at any time within the three year period and add the new technology or tool to the plan for better protection of beneficial uses. LADWP recommends addition of this flexibility to the Sediment Quality Plan.

Comment 2: Page 42, Section (3)(V)(C)(2), and Page 49, Section (3)(V)(J) – Benthic Community Assessments Using Two Lines of Evidence

The Scoping Document requires that for bays and estuaries where benthic assessment tools are unavailable, only the chemistry and toxicity lines of evidence (LOE) need be applied. Applying only two lines of evidence, especially when they are chemistry and toxicity, are not enough to identify any adverse effect on benthic communities. As it is indicated in the last paragraph of page 27, the benthos LOE is given greater weight for determining any adverse effect and therefore that benthic assessment tool should be developed and applied before making any community assessment.

The main consideration in assessing benthic community health is the bioavailability and bioaccumulation of contaminants and their adverse effects on benthos. There are

toxicants that tend not to accumulate in biota and thus are not a threat to the benthic community. Although toxicity tests integrate the effects of multiple contaminants, they can be problematic because of the presence of natural contaminants (e.g., ammonia, hydrogen sulfide) or physical abrasions which can lead to spurious results. Also, toxicity tests are typically conducted under laboratory conditions using species that may not occur naturally at the testing site.

Reliance only on chemistry and toxicity data, without collection of adequate and relevant data on benthic community condition, will not reliably indicate bioaccumulation, and therefore, the health condition of benthic community. LADWP recommends considering all three lines of evidence at all times. If benthic tools are not available at the present time, the State Board should defer its decision making until these tools are developed for identifying the health of a benthic community. Using all three lines of evidence ensures proper evaluation of benthic community condition. Accordingly, the Staff Recommendation on page 32, paragraph 1 of the Scoping Document should be revised from Alternate 3 to Alternate1 to reflect the above discussion.

Comment 3: Page 45, Section (3)(V)(H) – Assessing Exposure to Toxic Pollutants in Sediment

The Scoping Document states that in water bodies where other toxic pollutants (which are not in Appendix A) are believed to pose a risk to benthic communities, those toxic pollutants should be included in the analysis. However, it also indicates that inclusion of these additional pollutants believed to pose a risk cannot be used in the exposure assessment. If the reason to not include the other toxic pollutants in the exposure assessment is that there is no data regarding these pollutants, then the State Board should allow the addition of these chemicals to Appendix A as the data becomes available.

Comment 4: Page 50, Section (3)(V)(K)(1) and (2) – Exceedances and Listings

The Scoping Document for subsection K only reads:

1. Exceedance of Narrative Objective
2. Water Body Listing

The Scoping Document provides no context or discussion for items (1) and (2) above. There needs to be a narrative description of what would happen if there is an exceedance of a narrative objective and the relevance of a water body's listing.

Comment 5: Page 52, Section (3)(VII)(B)(2)(b) – Permitted Discharges

The Scoping Document indicates three possibilities for monitoring sediments; it can be performed by individual permittees, permittees can participate in a regional or water body monitoring coalition, or both. The Scoping Document tends to consider sediment

impairment on an area-wide basis rather than at just one site or station, therefore, the data collected at an individual station may not be useful. LADWP recommends that dischargers be allowed to participate in one or the other program but not be required to do both.

Comment 6: Page 53, Section (3)(VII)(B)(6)(a) and (b) – Monitoring Schedule and Frequency

Item (a) states that a permittee shall, at a minimum, monitor once prior to the issuance and re-issuance of a permit. Item (b) indicates regional monitoring should occur at a minimum once every three years. To the extent that the timeframe for monitoring before issuance or re-issuance of a permit coincides with the year in which the regional monitoring is conducted, the Scoping Document should allow for one sampling event to satisfy both requirements.

Thank you for the opportunity to present these comments and recommendations.