



CITY OF RANCHO PALOS VERDES  
PUBLIC WORKS DEPARTMENT

February 3, 2012

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



Submitted via email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov), hard copy to follow

Subject: Agenda Item 7, of the 2/7/2012 BOARD MEETING : Consideration of a proposed Resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load for toxic pollutants in Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters)

Dear Ms. Townsend,

The City of Rancho Palos Verdes appreciates the opportunity to provide written comment on the revised Staff Report and revised language for the adopting resolution for the above-captioned item ("Harbor TMDL"). The City has reviewed the adopting resolution language and appreciates the sincere attempt on the part of the State Board to clarify the implementation of the TMDL.

This letter will limit comments to two issues.

1. It was indicated in workshops held by the Regional Board for this TMDL and by the US EPA for the pending Santa Monica Bay DDT and PCB TMDL, that runoff from municipalities is likely to contain negligible if any detectable levels of these pollutants. When the revised language for the Harbor TMDL was recently released, Rancho Palos Verdes has apparently now been included among a small group of cities that will be required to include sediment and fish tissue testing in a monitoring plan. First, the scope of sediment testing is unclear. The city is under the assumption that any sediment monitoring will be solely for its runoff. Others may interpret this as testing in existing sediment beds. This needs to be clear that the city's monitoring responsibility

only extends to its runoff. Second, the City feels that compared to existing marine levels of these pollutants, its runoff would have an insignificant impact on the levels of these pollutants in fish tissue. The City requests that its inclusion in the fish testing program be eliminated.

2. The cities have entered into a Consent Decree with US EPA and the State of California that protects them from any legal or administrative action to force the Cities to conduct remedial activities in the Harbor areas. We believe that it is contrary to the terms of the Cities' Montrose Consent Decree for the Boards to adopt a regulation designating a city as a responsible party in the TMDL, where the City has already entered into a Consent Decree and paid funds to address this same (and other) sediment contamination. In short, we believe the Boards are legally without authority to in fact identify and pursue the cities as responsible parties for any such sediment contamination.

For the reasons detailed above, the City of Rancho Palos Verdes requests that the State Board address these changes in the TMDL.

Please contact Andy Winje at (310) 544-5252 if you have any questions.

Thank you for your consideration.

Sincerely,



Tom Odem

Director of Public Works

cc: Carolyn Lehr, City Manager  
Carol Lynch, City Attorney  
Ray Holland, Deputy Director of Public Works