

MINUTE ITEM
This Calendar Item No. 38
was approved as Minute Item
No. 38 by the State Lands
Commission by a vote of 3
to 0 at its 10/26/89
meeting.

CALENDAR ITEM

A 58, 57, 51

38

S 29

10/26/89
W 24433 PRC 7352
Valentine

CONSIDERATION OF MEMORANDUM OF AGREEMENT BETWEEN THE
THE STATE LANDS COMMISSION AND THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BACKGROUND:

The National Oceanic and Atmospheric Administration (NOAA) has informed the Commission staff, as well as other state trustee agencies, of its intention to perform a natural resources damage assessment along the coast in the vicinity of Los Angeles. The damage assessment will be performed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 USC 9601. The investigation has two principal purposes: 1) to ascertain whether the natural resources of the Palos Verdes Shelf, Los Angeles and Long Beach harbors, and ocean dump sites offshore of Los Angeles have been damaged by releases of dichloro-diphenyl-trichloroethane (DDT) and polychlorinated biphenyls (PCB); and 2) to quantify in economic terms those damages shown to exist.

CERCLA authorizes recovery from responsible parties for the cost of removal or remedial action due to a release of a hazardous substance and for damages for injury to or loss of natural resources. If the natural resources in question are determined to have been damaged by the releases of DDT and PCB, the effects of the releases will be quantified for each injured resource. Damages can be determined after the injuries have been quantified and, if necessary, litigation to that end can be pursued.

DDT was manufactured in the general area of Los Angeles Harbor from 1947 through 1982. (Although sales of DDT in the United States were banned in 1972, lawful manufacture of DDT for export continued until 1982.) During this prolonged period of DDT manufacture, acid wastes and sludges were disposed of by ocean dumping, disposal in landfills, and by discharge to the Joint Water Pollution Control Plant of the County Sanitation Districts of Los Angeles County. This plant discharges its effluent through three outfalls located approximately two miles offshore of Whites Point on the Palos Verdes Peninsula. In combination with the transport of DDT from the site of manufacture by surface runoff and air, these disposal practices have resulted in the widespread DDT contamination of the sediment, as well as the plants and animals in the vicinity of the Los Angeles/Long Beach Harbor area and at two ocean dump sites in the San Pedro Channel. It is believed that the great majority of this DDT contamination emanated from one manufacturing source located a few miles from Los Angeles Harbor.

PCB contamination has been documented in the sediments of the Palos Verdes Shelf, Los Angeles and Long Beach Harbors, and ocean dump sites. Products containing PCB have had a wide variety of industrial uses, including transformer cooling fluid, hydraulic fluid, paper manufacturing, and in the glass, electrical and chemical industries. As with DDT, it is believed that the most important transportation pathway of PCB to the sediments and biota offshore has been the Joint Water Pollution Control Plant of the County Sanitation Districts of Los Angeles County. Several industries, which are potential sources of PCB to this system, have been identified. In addition, other PCB contributions may be made by other sources, such as the City of Los Angeles Hyperion Treatment Plant outfall in Santa Monica Bay and by aerial fallout.

NOAA has invited State trustee agencies, including the Commission, to participate in the assessment of damages caused by this contamination. Toward that end, NOAA has forwarded to the Commission a proposed memorandum of agreement between NOAA, the U.S. Department of the Interior and State trustee agencies. The State agencies also invited to enter into the agreement are the Resources Agency and the Department of Fish and Game. The purpose of the agreement is to provide a basis for coordination among the State and federal agencies to carry

out their respective trustee responsibilities. The agreement has the following principal features. It would create a Co-Trustee Advisory Panel on which each of the agencies signatory to the agreement would be represented.

The purpose of the Advisory Panel would be to review and provide comments to NOAA on the physical and economic aspects of the damage assessment and restoration plan. Staff support for the Advisory Panel would be shared by the trustee agencies which are panel members. The damage assessment and restoration plan will be available to all agencies signatory to the agreement. Nothing in the agreement would waive any legal rights or remedies the Commission has regarding the potential injuries to natural resources under its jurisdiction.

AB 884: N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: 14 Cal. Code Regs. 15061(b)(3).

EXHIBIT A. Site Map of Study Areas.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. [14 CAL. CODE REGS. 15061(b)(3)]
2. AUTHORIZE STAFF TO ENTER INTO A MEMORANDUM OF AGREEMENT, SUBSTANTIALLY IN THE FORM OF THE DRAFT ON FILE WITH THE COMMISSION, WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND THE DEPARTMENT OF THE INTERIOR FOR THE

CALENDAR ITEM NO. 38 (CONT'D)

- PERFORMANCE OF DAMAGE ASSESSMENT DETERMINATIONS CONCERNING THE POSSIBLE CONTAMINATION WITH DDT AND PCB OF NATURAL RESOURCES WITHIN THE STUDY AREA AND UNDER THE COMMISSION'S JURISDICTION.
3. AUTHORIZE STAFF TO PARTICIPATE, CONSISTENT WITH CURRENT STAFFING AND FUNDING, IN THE CO-TRUSTEE ADVISORY PANEL CREATED BY THE PROPOSED MEMORANDUM OF AGREEMENT.

EXHIBIT "A"

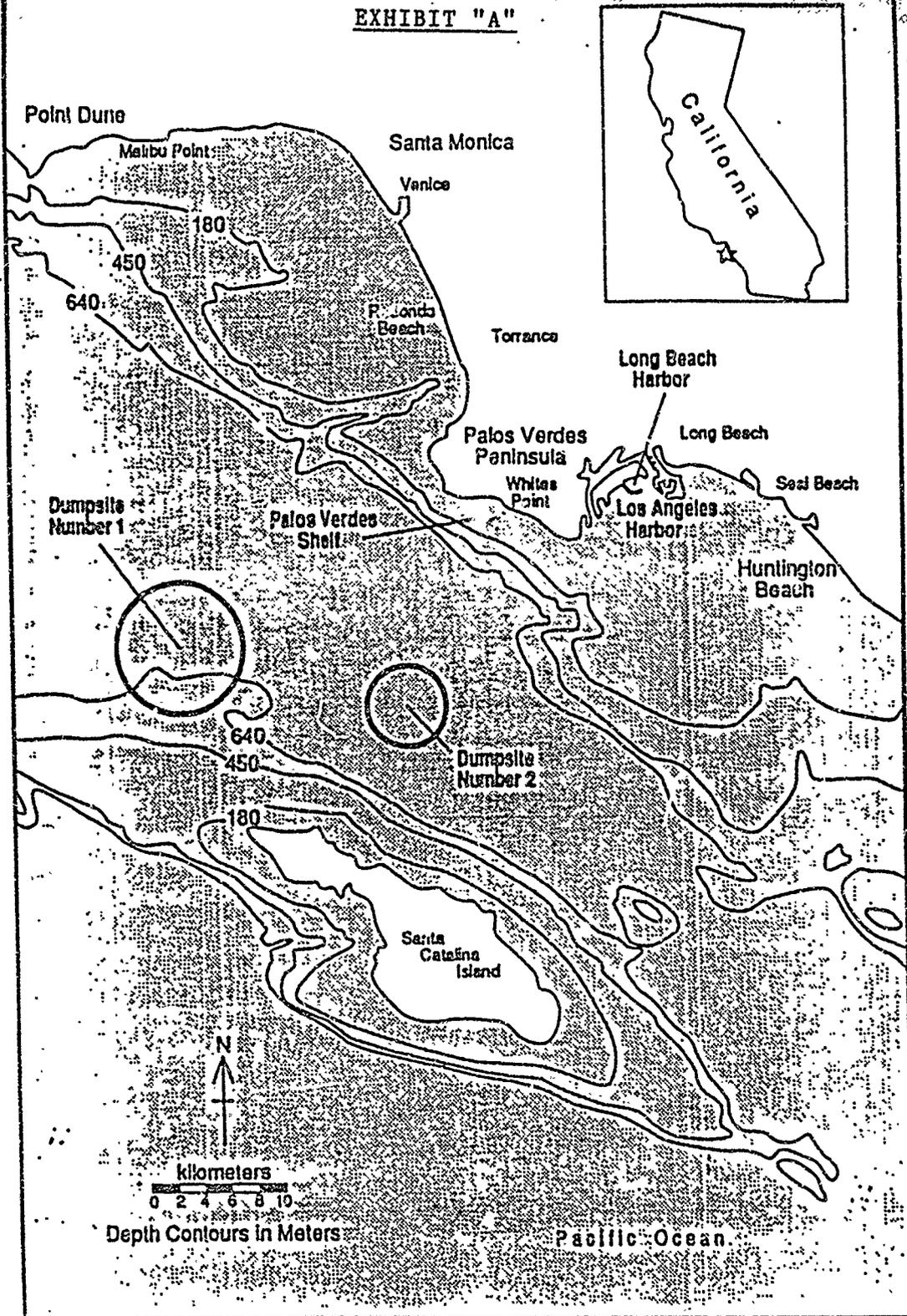


Figure 1. Study areas: Palos Verdes Shelf, Los Angeles Harbor, Long Beach Harbor and Dumpsites Number 1 and 2.