**Subcommittee on Water, Oceans, and Wildlife**
**U.S. House Committee on Natural Resources**
***DDT Dumping Off the Southern California Coast: Ecological Impacts, Scientific Needs, and Next Steps***
**Tuesday, June 8, 2021; 3:00 p.m. EST**
**Written Testimony of Secretary of the California Environmental Protection Agency, Jared Blumenfeld**

## BRIEF INTRODUCTION

The State of California is deeply concerned about the legacy of deep-water ocean disposal of chemical, refinery, and other wastes, including the disposal by Montrose Chemical Corporation of California (Montrose), of acid waste containing DDT at deep-water dumpsites in the San Pedro Channel. Since recent media reports and deep water surveys have been conducted, my agency and our state colleagues from the California Natural Resources Agency have been in close contact and collaboration with the United States Environmental Protection Agency (USEPA), the National Oceanic and Atmospheric Administration (NOAA) and other federal partners to discuss what we know and perhaps as importantly, what we do not know, about the scope and scale, in addition to any public health or environmental impacts of this historical practice of deep-water ocean dumping. While I am pleased to be here to provide some informational background and context, it will likely be necessary to obtain follow up information from the federal agencies involved in this work, as it is our understanding most, if not all of the historical dumping we are talking about today occurred in federal waters and is therefore primarily in the jurisdiction of the United States.

## BRIEF HISTORICAL BACKGROUND

There are fourteen documented deep-water ocean disposal sites off the Southern California coast that received chemical, refinery, and other wastes from a variety of sources between the 1930's and the 1960's.

We know based on historical record that Montrose routinely, as a matter of its normal business practices, arranged for the disposal of acid waste containing DDT at several of these ocean disposal sites from the late 1940s and until the early 1960s. (*See* SCCWRP Technical Report 010, *The Ecology of the Southern California Bight: Implications for Water Quality Management*, page 107 (March 1973); and map below.)

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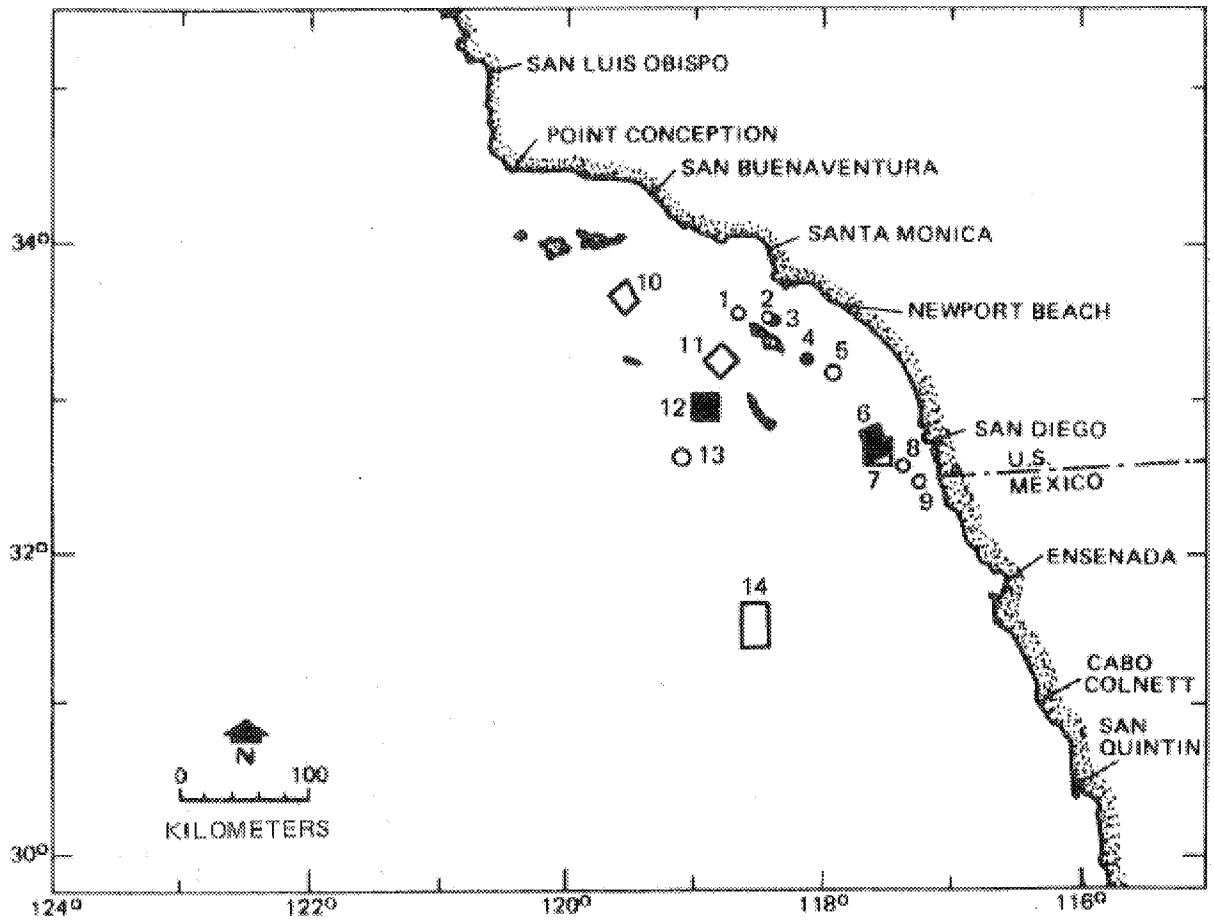


NOAA, through an MOU with Scripps, conducted a deep-water ocean floor survey from March 10-24, 2021 using a remotely operated ocean vehicle (ROV). Centered on dump site #2, the ROV survey covered 36,500 acres and identified upwards of 25,000 targets, with high probability that the targets are barrels historically dumped at the location.

In the 1980's and 1990's, the California Regional Water Quality Control Board for the Los Angeles Region together with several federal agencies examined the disposal of acid waste containing DDT (that originated from Montrose) at ocean disposal sites near Santa Catalina Island. (See, e.g., Chartrand, A., et al., *California Regional Water Quality Control Board – Los Angeles Region, Ocean Dumping Under Regional Water Quality Control Board Permit: A Review of Past Practices, Potential Adverse Impacts, And Recommendations for Future Action*, (March 1985)).

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USEPA has shared the results of its research of the Montrose operational history which indicates that acid waste containing DDT was disposed of in bulk, not in barrels. We do not presently have information about what is in or was in the barrels detected in the Scripps survey. Identifying the contaminants that may still be in the barrels, the source of the waste, and whether there are ongoing impacts that can feasibly be mitigated is critical to outlining next steps.

No DDT wastes are known to have been ocean dumped after 1961, although there was known continued DDT disposal of polluted industrial wastewater through the Joint Water Pollution Control Plant outfall at White Point, Palos Verdes. Additionally, polluted runoff continued to be discharged through Dominguez Channel until years after DDT was banned nationally in 1972.

Prior state and federal investigations of these historical dumping practices predominantly focused on the discharge of DDT waste in nearshore waters of the Los Angeles Harbor and Palos Verdes Shelf through storm drains and the sewer system and its impacts on marine life and human health. The dumpsite in the deeper ocean waters of the San Pedro Basin received less attention.

The Montrose Site, including the Palos Verdes Shelf, was placed on the USEPA National Priorities List (NPL) in October 1989. In the 1990s, the United States, on behalf of federal natural resource trustees (NOAA and the Department of the Interior) and USEPA, and the State of California, on behalf of state natural resources trustees (State Lands Commission, the Department of Fish and Game, and the Department of Parks and Recreation) and the Department of Toxic Substances Control (DTSC), filed complaints in federal district court against Montrose and other corporations (the DDT defendants), and local governmental entities pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and state law, seeking natural resource damages (NRD) and response costs (includes costs for remediation and oversight costs).

The defendants have included many companies that owned or operated the DDT plant and local agencies that are responsible for operating the sewer systems, stormwater drainage systems, and outfalls that facilitated waste discharges. After several years of litigation, the parties entered into consent decrees that addressed various aspects of the extensive discharges. One of these consent decrees, entered in 2001 between federal and state agencies and the DDT defendants, addresses the offshore areas, including the ocean dumping areas. However, this consent decree did not resolve claims against all potentially responsible parties. For example, it did not address the liability of petroleum companies for the offshore contamination. It also did not resolve claims addressing the onshore Superfund site investigation and cleanup work.

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The Federal and State trustee agencies (NOAA, USFWS, CDFW, etc.) implemented a variety of restoration projects to enhance populations of DDT affected seabirds, raptors (bald eagles), and fish populations. All of these projects are largely completed. One highlight of these programs was the return of successfully nesting bald eagles to the Channel Islands.

## RECENT SEA FLOOR SURVEY OF DUMP SITE: WHAT WE KNOW, AND NEXT STEPS

Based on recent scientific research, the State believes the historic waste disposal at these deep-ocean sites needs to be assessed comprehensively to evaluate its full scope and impact. Given that California's jurisdiction extends three nautical miles from the coastline, it is our understanding that most, if not all, of the recently discussed DDT barrels fall within federal waters and are subject to federal jurisdiction.

Nonetheless, this situation requires close inter-agency collaboration. California will continue to coordinate closely with our federal partners as they identify next steps to further understand this concerning issue. We have made a good start on this front, as multi-agency cooperation has already begun in earnest among the California Environmental Protection Agency; the California Water Boards and the California Department of Toxic Substances Control -- both part of CalEPA; the California Natural Resources Agency; US EPA and NOAA.

Members of the California State Legislature have also voiced their support that Congress and the US Environmental Protection Agency take all measures to prevent further damage by the DDT waste dumped in the San Pedro Channel by introducing an Assembly Joint Resolution for consideration during the 2021-22 Legislative Session.

We are all focused on what to do about this environmental travesty – the first and very important step is to quickly gather data and information to answer some key questions, with an initial focus on dump site #2 as it was the subject of the March NOAA/Scripps survey, including:

- Documenting the Operational and Regulatory History of dump site #2: this entails determining the types and volumes of wastes disposed, the nature of historic waste disposal (meaning, bulk liquid disposal versus disposal in barrels), and the entities involved;
- Determining the Extent of Drum Disposal and Nature of Contamination: identifying the boundaries of dump site #2 , and the types of waste remaining in sediment on the ocean floor;
- Evaluating the entire Southern California bight, establishing historical baseline concentrations and conducting trend analysis for contaminants of concern in sediment, water and biota;

- Assessing the ongoing impacts and risks to ocean life, including impacts up the food chain to marine mammals, as well as seafood contamination that may pose a health risk to consumers.

New information collected in late-March by the Scripps Institution of Oceanography in cooperation with NOAA has been invaluable, but significant questions remain. Once these questions are answered, we can begin weighing possible actions that could redress this legacy of environmental pollution and mitigate ongoing impacts. I am aware that USEPA has removal authority and access to funds through this authority to evaluate the environmental impacts of the barrels. As a result, any funding, development of plans, and remediation or removal would be the primary responsibility of the federal government.

We are grateful for Senator Feinstein's initiative to schedule the initial Hill briefing in late April, and Senator Padilla's interest in this issue as well. We are also encouraged that the House Natural Resources Subcommittee on Water, Oceans, and Wildlife, including Chair Hoffman and Congressmembers Napolitano, Costa, Levin, Matsui, Lowenthal and others have ensured this issue continues to be prioritized at the federal level.

Thank you for your leadership on this issue.