

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER NO. R4-2014-XXXX

**REVISION OF
WASTE DISCHARGE REQUIREMENTS
FOR
PORT OF LOS ANGELES
(BERTH 24/BERTH 36 MAINTENANCE DREDGING)
(FILE NO. 13-113)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. The Los Angeles Regional Water Quality Control Board issued Waste Discharge Requirements (WDRs) to the Port of Los Angeles (POLA) on April 10, 2014 (Order No. R4-2014-0039) for maintenance dredging operations at Berth 24 (Cabrillo Beach Boat Launch Ramp) and Berth 36 (Cabrillo Beach Yacht Club) in Los Angeles Harbor, Los Angeles County. POLA has filed an application for revision of the WDRs to allow dredging and excavation activities necessary to develop an eelgrass mitigation site in the Inner Cabrillo Beach area of the harbor.
2. The specifics of the Berth 24/Berth 36 Maintenance Dredging project remain unchanged. POLA proposes to dredge approximately 2,000 cubic yards of sediment via clamshell bucket from Berth 24 and approximately 2,000 cubic yards of sediment from Berth 36. Berth 24 would be dredged to restore water depths to design levels of -6 feet mean lower low water (MLLW) (plus a two-foot overdredge allowance to -8 feet MLLW). Berth 36 would be dredged to restore water depths to design levels of -13 feet mean lower low water (MLLW) (plus a two-foot overdredge allowance to -15 feet MLLW). The 4,000 cubic yards of dredged material will be disposed of at the POLA Confined Disposal Facility (CDF) located at the former Southwest Marine Shipyard site at Berths 243-245. The CDF is bermed and storage cell areas are designed in a manner to contain the dredged material on the site and prevent escape of sediment and contaminants into adjacent harbor waters.

In addition, POLA proposes to develop an eelgrass mitigation site to mitigate impacts to eelgrass beds associated with the maintenance dredging of the Berth 24 Boat Ramp Basin and to offset eelgrass impacts associated with the previously completed Cabrillo Way Marina Phase II dredging. The eelgrass mitigation site is located east of Inner Cabrillo Beach and west of the Cabrillo Beach Fishing Pier (Figure 1). The mitigation site is located adjacent to existing eelgrass beds at Inner Cabrillo Beach. The proposed eelgrass mitigation site would be constructed by

August 8, 2014

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excavating or dredging approximately 11,150 cubic yards of sand from a shoaled area at Inner Cabrillo Beach (existing elevation ranges from +9 feet to -11 feet mean lower low water). The sandy material would be redistributed using standard land-based earthmoving equipment (including an excavator and bulldozer) and a clamshell dredge into deeper waters adjacent to the site to create a plateau at an elevation of -5 feet mean lower low water, a water depth conducive to the development of eelgrass beds. Silt curtains will be deployed to protect existing nearby eelgrass beds from turbidity generated during construction of the mitigation site (figures 2, 3 and 4).

3. Core samples were collected at two locations within the sandy area to be dredged or excavated (Figure 5). Samples were collected down to a depth of 10 feet and analyzed for grain size, metals and organics to confirm the suitability of the sandy material for use in developing an eelgrass mitigation area.

The sediment characterization results (Table 1) show that the material to be dredged or excavated is primarily sand (approximately 98% sand, approximately 2% silt and clay). The sand is relatively uncontaminated, with all constituents measured at concentrations lower than the thresholds which possibly could cause toxicity to marine organisms (Effects Range-Low threshold concentrations), with the exception of DDT. Although the DDT concentrations exceeded the threshold for possible toxicity, these concentrations did not exceed the threshold likely to cause toxicity (Effects Range-Median threshold concentration). These concentrations of DDT are not expected to cause adverse water quality impacts during the dredging or excavation operations or adversely impact existing eelgrass beds or those created by the mitigation project.

4. The United States Corps of Engineers (COE) issued Permit No. SPL-2013-00200-TS for the Berth 24/Berth 36 dredging project. The COE plans to cover the eelgrass mitigation project under Nationwide Permit No. 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities).
5. On March 28, 2013, the City of Los Angeles Harbor Department determined that the Berth 24 Cabrillo Beach Boat Launching Ramp and Berth 36 Cabrillo Beach Yacht Club maintenance dredging is exempt from the requirements of the California Environmental Quality Act in accordance with Chapter 3, Article 19, Section 15303 (replacement or reconstruction). On August 13, 2014, the City of Los Angeles Harbor Department determined that the eelgrass mitigation project is exempt from the requirements of the California Environmental Quality Act in accordance with Chapter 3, Article 19, Section 15333 (small habitat restoration projects).

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Table 1.
 Sediment Characteristics for Eelgrass Mitigation Project (2014).

Parameter	Core sample 1 (ICB2014-1)	Core sample 2 (ICB2014-2)	Sediment screening thresholds
Sand	97.9 %	98.1 %	
Silt	1.5 %	1.4 %	
Clay	0.6 %	0.5 %	
Silver	Not detected	Not detected	ERL = 1 ppm ERM = 3.7 ppm
Arsenic	2.21 ppm	2.88 ppm	ERL = 8.2 ppm ERM = 70 ppm
Cadmium	0.147 ppm	0.204 ppm	ERL = 1.2 ppm ERM = 9.6 ppm
Chromium	6.20 ppm	7.32 ppm	ERL = 81 ppm ERM = 370 ppm
Copper	2.91 ppm	3.55 ppm	ERL = 8.2 ppm ERM = 70 ppm
Mercury	Not detected	0.0262 ppm	ERL = 0.15 ppm ERM = 0.71 ppm
Nickel	4.33 ppm	5.01 ppm	ERL = 20.9 ppm ERM = 51.6 ppm
Lead	2.40 ppm	3.33 ppm	ERL = 46.7 ppm ERM = 218 ppm
Selenium	0.176 ppm	Not detected	Not available
Zinc	17.3 ppm	20.9 ppm	ERL = 150 ppm ERM = 410 ppm
Total DDT	11.4 ppb	17.5 ppb	ERL = 1.58 ppb ERM = 46.1 ppb
Total PCB	Not detected	Not detected	ERL = 22.7 ppb ERM = 180 ppb
Total PAH	Not detected	Not detected	ERL = 4022 ppb ERM = 44792 ppb

ppm = parts per million; ppb = parts per billion; DDT = dichloro-diphenyl-trichloroethane; PCB = polychlorinated biphenyls; PAH = polynuclear aromatic hydrocarbons

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6. The Regional Board adopted a revised Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties on June 13, 1994. The Water Quality Control Plan contains water quality objectives for Los Angeles-Long Beach Harbor. The requirements contained in this Order as they are met will be in conformance with the goals of the Water Quality Control Plan.
7. The beneficial uses of Los Angeles-Long Beach Harbor (All Other Inner Areas) are: industrial process supply, navigation, water contact recreation (potential), non-contact water recreation, commercial and sport fishing, marine habitat, shellfish harvesting (potential), and preservation of rare, threatened or endangered species (one or more species utilize waters or wetlands for foraging and/or nesting).
8. With proper management of the dredging and disposal operations, the project is not expected to release significant levels of contaminants to the Harbor waters or other State waters nor adversely impact beneficial uses.
9. Dredging and disposal operations will be accomplished through the use of temporary equipment. The Waste Discharge Requirements imposed below will not result in any significant increase in energy consumption.

The Regional Board has notified the Port of Los Angeles and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the Port of Los Angeles, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Requirements

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses.

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2. Enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.
3. The natural taste and odor of fish, shellfish or other enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.
4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.
5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.
6. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:
 - a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.
 - b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.
 - c. Discoloration outside the immediate area of operation.
 - d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.
 - e. Objectionable odors emanating from the water surface.
 - f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the immediate area of operation.
 - g. Any condition of pollution or nuisance.

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B. Provisions

1. The Discharge Requirements specified above are valid for dredging of a maximum of 4,000 cubic yards of sediment and soil from Berths 24 and 36, and disposal of the dredged material at the POLA Confined Disposal Facility located at the former Southwest Marine Shipyard site at Berths 243-245, and for excavation and dredging of a maximum of 11,150 cubic yards of sandy material and placement within the Inner Cabrillo Beach area to create an eelgrass mitigation site, as described in finding 2 above.
2. POLA shall notify the Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials or disposal operations; written confirmation shall follow within one week.
3. A copy of this Order shall be made available at all times to project construction personnel.
4. POLA shall provide the following information to the Regional Board:
 - a. A copy of the final permit issued by the United States Corps of Engineers for the dredge and disposal operations.
 - b. The scheduled date of commencement of each dredging and disposal operation at least one week prior to initiation of dredging.
 - c. Notice of termination of dredging and disposal operations, within one week following the termination date.
5. POLA shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with specifications prepared by the Executive Officer.
6. In accordance with section 13260(c) of the Water Code, POLA shall file a report of any material change or proposed change in the character, location, or volume of the waste.
7. These requirements do not exempt POLA from compliance with any other laws, regulations, or ordinances which may be applicable: they do not legalize this waste discharge, and they leave unaffected any further restraint on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.

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8. In accordance with Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into waters of the State are privileges, not rights.
9. This Order includes Attachment N: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions") and the attached Monitoring and Reporting Requirements, both of which are incorporated herein by reference. If there is any conflict between provisions stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said "Standard Provisions", the former shall prevail.
10. This Order fulfills the requirements for a Clean Water Act Section 401 Water Quality Certification for the proposed project. Pursuant to section 3860 of title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:
 - a. this certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with 23 CCR section 3867);
 - b. this certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;
 - c. this certification is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28, and owed by the applicant.

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11. This Order shall expire on December 31, 2015.

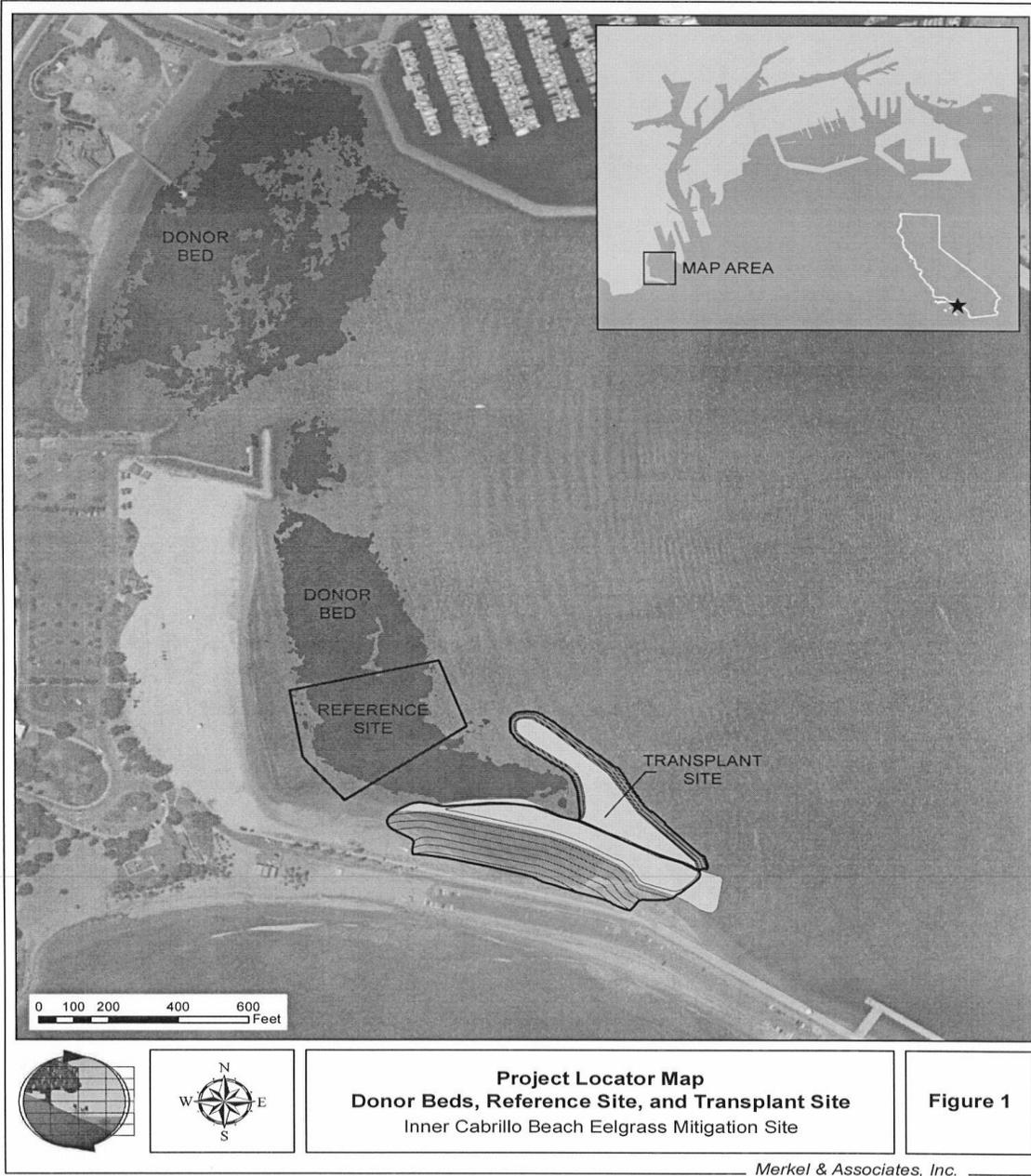
I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on October 9, 2014.

SAMUEL UNGER, P.E.
Executive Officer

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Figure 1. Location map for eelgrass mitigation project at Inner Cabrillo Beach.

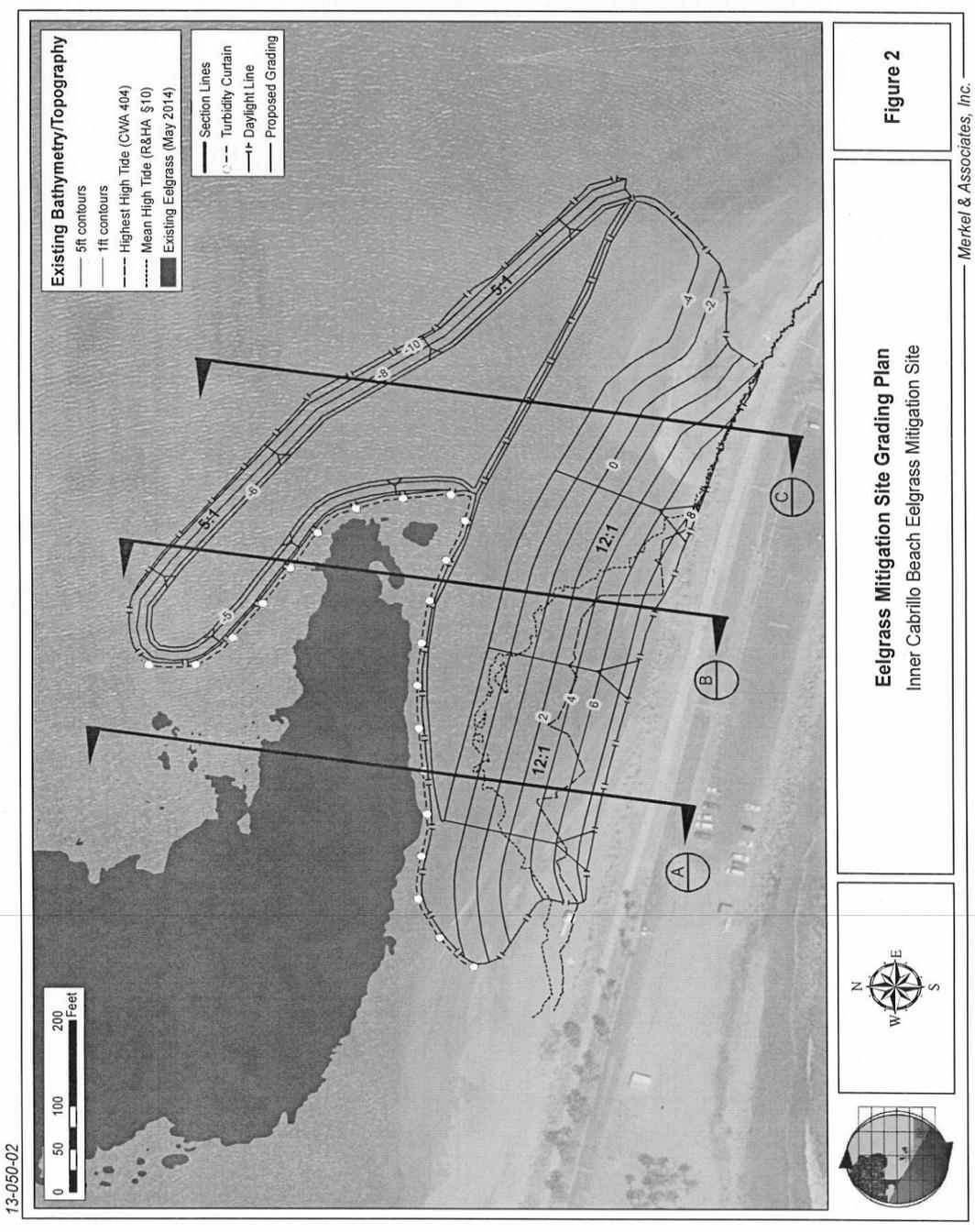
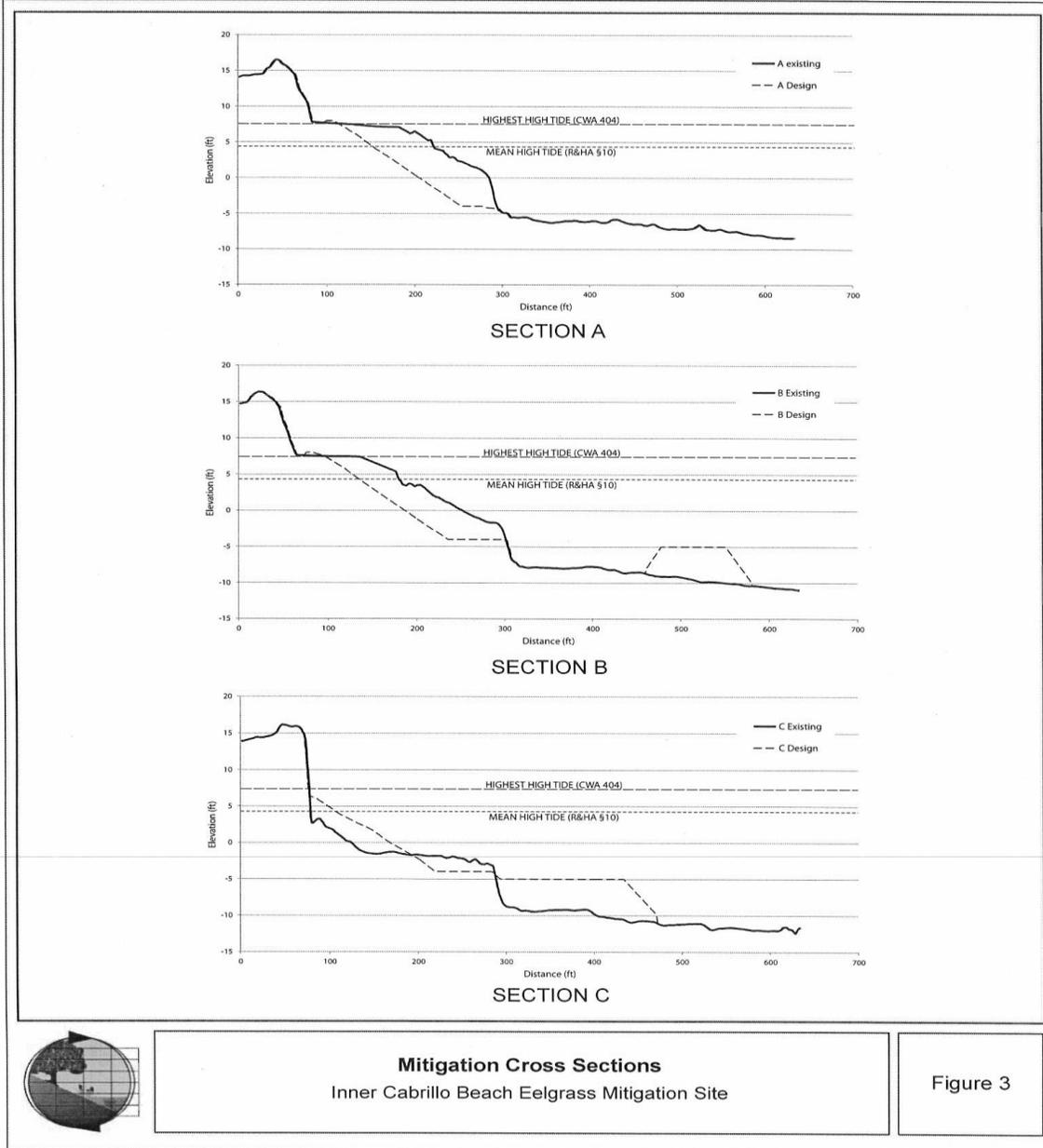


Figure 2. Eelgrass mitigation site grading plan.

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Mitigation Cross Sections
 Inner Cabrillo Beach Eelgrass Mitigation Site

Figure 3

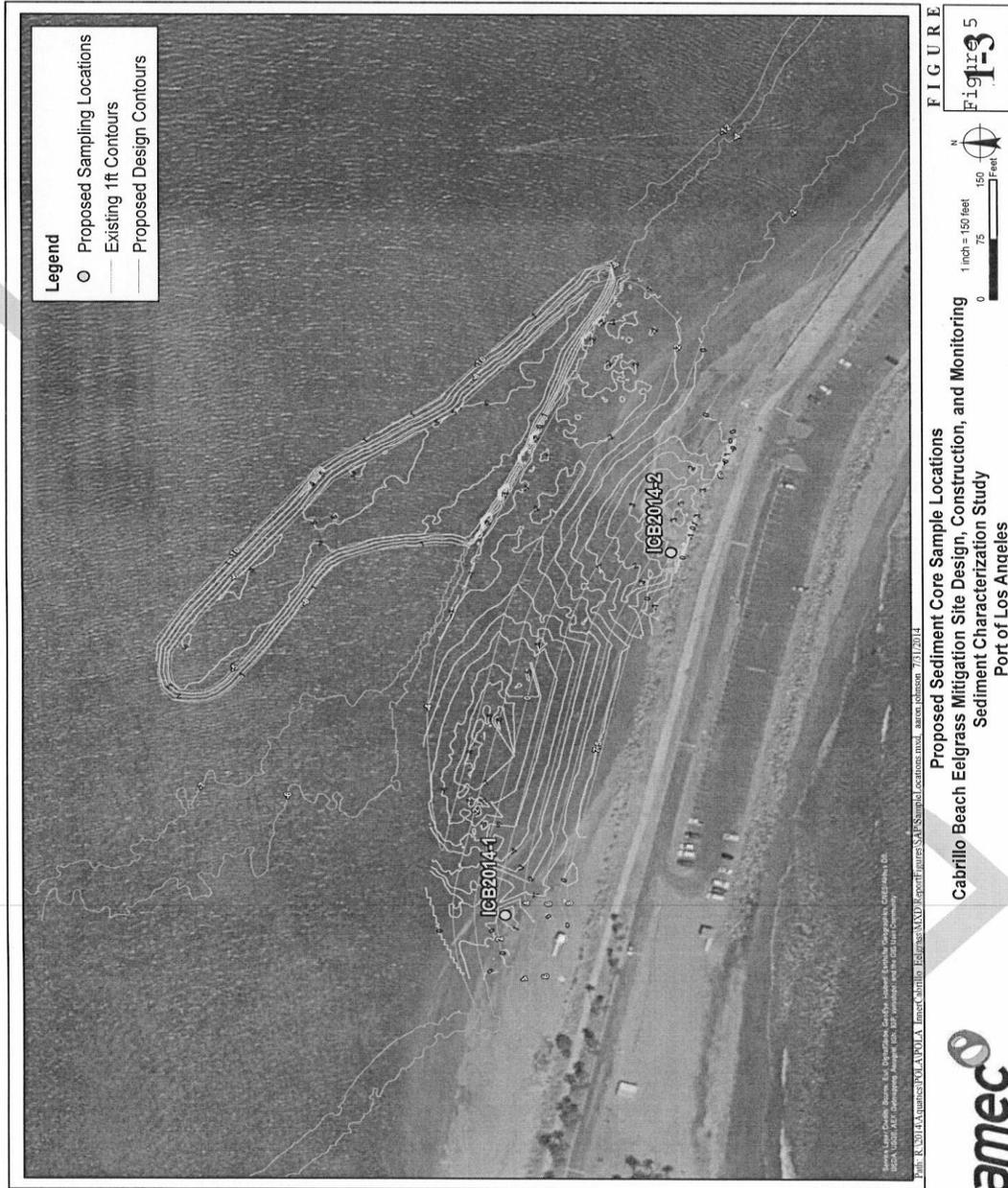
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Figure 3. Eelgrass mitigation site - cross sections for transects A, B and C (shown in Figure 2 above).



Figure 4. Eelgrass mitigation site planting areas.

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Figure 5. Sediment characterization sampling locations.