

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

ORDER NO. R4-2004-0108

**REVISED WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF OXNARD
(MANDALAY BAY MAINTENANCE DREDGING)
(FILE NO. 02-070)**

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

1. The Regional Board adopted Order No. R4-2002-0138 on August 29, 2002, for the City of Oxnard's (Discharger) maintenance dredging of East Mandalay Bay, an extension of Channel Islands Harbor in Ventura County (Figure 1). The Discharger proposed to dredge approximately 9,800 cubic yards of sediment from the eastern section of Mandalay Bay. The proposed project included dredging on an as-needed basis over roughly a one-year period using a land-based crane equipped with a 2-cubic yard clamshell bucket, and transport of the excavated material by truck to the designated disposal site, Del Norte Regional Solid Waste Management Facility, located at 111 South Del Norte Boulevard, Oxnard, for use as fill for expansion of the waste rehandling facility.
2. The Regional Board adopted Order No. R4-2002-0192 on December 12, 2002 to allow the Discharger to dredge an additional 20,000 cubic yards of sediment from the channels in the eastern section of Mandalay Bay, thus increasing the total dredging project to a maximum of 29,800. Dredging was to be performed to restore project depths beneath floating docks, small boat berth areas and portions of the navigable channel areas (Figure 2). Dredging was to be performed using a small hydraulic dredge and specially designed decanter centrifuge equipment to dewater the dredged material. Residual water removed from the dredged material was to be discharged directly back into the channel at a rate of approximately 300 gallons per minute. The dewatered sediments, which were to be reduced by approximately one-half from the original in situ volume, would be transported by truck for disposal at the Del Norte Regional Solid Waste Management Facility. Maintenance dredging was expected to occur as needed over a five-year period. Each dredging cycle was expected to be completed within approximately 60 days.

The only dredging accomplished to date pursuant to the existing Waste Discharge Requirements was the removal of approximately 250 cubic yards of material from the Nice Court Channel with a clamshell operation on September 16-17, 2002.

May 25, 2004

3. The Discharger has filed an application to revise the Waste Discharge Requirements contained in Order No. R4-2002-0192 to allow the dredging and disposal of an additional 10,000 cubic yards of sediment from channels in the western section of Mandalay Bay (Figure 3). Dredging and disposal of this additional material would be accomplished as described in finding 2 above. The maximum volume of sediment to be dredged from the eastern and western channels would be 39,800 cubic yards (including the 250 cubic yards previously dredged).
4. The Discharger collected sediment cores from two discrete sampling areas (Area A and Area B) in the eastern section of Mandalay Bay in October 2001 (Figure 2). Four sediment samples were collected within each area (A-1, A-2, A-3 and A-4 in Area A, and B-1, B-2, B-3 and B-4 in Area B) and combined into composite samples representative of the sediments within each area. The two composite samples were analyzed for trace metal and trace organic concentrations, as well as grain size characteristics. The sediments were primarily fine-grained material (76.1-77.1% silt-clay), which would be unsuitable for re-use in beach replenishment. The concentrations of trace metals and trace organics are relatively low and below the levels that would be expected to produce adverse impacts on aquatic organisms.

The Discharger collected sediment samples at six locations in the western section of Mandalay Bay in February 2004 (Figure 3). The six sediment samples were combined into a single composite sample and analyzed for trace metal and trace organic concentrations, as well as grain size characteristics. The sediments were primarily fine-grained material (67.1% silt-clay), which would be unsuitable for re-use in beach replenishment. The concentrations of trace metals and most trace organics (with the exception of total DDT) are relatively low and below the levels that would be expected to produce adverse impacts on aquatic organisms. The concentration of total DDT present in the sediments is within the range that may or may not produce adverse impacts on aquatic organisms; however, disposal of the sediments at the Del Norte Regional Solid Waste Management Facility will sequester this material from the aquatic environment and prevent exposure to aquatic organisms.

5. 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 Mandalay Bay. The requirements contained in this Order as they are met will be in conformance with the goals of the Water Quality Control Plan.
6. The beneficial uses of Mandalay Bay are: industrial service supply, navigation, water contact recreation (water contact recreation activities are limited by the City of Oxnard to within the easement area of each home), non-contact water recreation, marine habitat and wildlife habitat.

Sediment Characteristics – East Mandalay Bay Maintenance Dredging

Parameter	Eastern Section of Mandalay Bay		Western Section
	Area A	Area B	
Silver	< 0.1 ppm	< 0.1 ppm	< 0.1 ppm
Arsenic	<0.1 ppm	<0.1 ppm	2.61 ppm
Cadmium	<0.1 ppm	<0.1 ppm	0.54 ppm
Chromium	8.66 ppm	10.4 ppm	12.5 ppm
Copper	12.2 ppm	14.8 ppm	22.0 ppm
Mercury	<0.02 ppm	<0.02 ppm	< 0.02
Nickel	12.9 ppm	19.1 ppm	15.9 ppm
Lead	5.29 ppm	4.98 ppm	4.66 ppm
Selenium	<0.01 ppm	0.93 ppm	< 0.01 ppm
Zinc	41.2 ppm	41.3 ppm	49.1 ppm
Total DDT	4.07 ppb	<2.0 ppb	21.8 ppb
Total PCB	< 20 ppb	< 20 ppb	< 20 ppb
Total PAH	377 ppb	<20 ppb	< 40 ppb

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

7. The City of Oxnard filed a Notice of Exemption (Categorical Exemption, class 4 under section 15304, Minor Alteration to Land) for the Eastern Mandalay Bay Channel maintenance dredging project on October 22, 2002, pursuant to Public Resources Code section 21000 et seq. The City of Oxnard filed a Notice of Exemption (Categorical Exemption, class 4 under California Code of Regulations, title 14, section 15304, Minor Alteration to Land) for the Western Mandalay Bay Channel maintenance dredging project on April 15, 2004, pursuant to Public Resources Code section 21000 et seq.
8. The United States Army Corps of Engineers has determined that the dredging, disposal and dewatering activities comply with the terms and conditions of Nationwide Permit 35 (Maintenance Dredging of Existing Basins). Nationwide Permit 35 requires the permittee to obtain 401 Water Quality Certification from the State. The Regional Board chooses to issue waste discharge requirements, in lieu of water quality certification, for projects involving dredging and disposal of dredged material.

9. With proper management of the dredging and disposal operations, the proposed project is not expected to release significant levels of contaminants to the Harbor waters or other State waters nor adversely impact beneficial uses.
10. 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 Discharger 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 City of Oxnard, 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.
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 that 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.

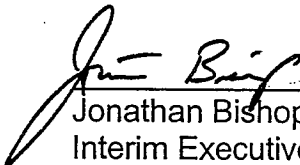
B. Provisions

1. The Discharge Requirements specified above are valid only for dredging and disposal of a maximum of 39,800 cubic yards of sediment as proposed by the Discharger (including 250 cubic yards previously dredged and disposed of pursuant to the requirements and provisions of Regional Board Order Nos. R4-2002-0138 and R4-2002-0192).
2. The Discharger 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; 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. The Discharger shall provide the following information to the Regional Board:

- a. A copy of the final permit issued by the Department of the Army for the dredge and disposal operations.
 - b. The scheduled date of commencement of each dredging operation and an engineering plan and profile of the excavation and the disposal site at least two weeks prior to commencement.
 - c. Notice of termination of the operation, within one week following the termination date.
5. The Discharger 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, the Discharger shall file a report of any material change or proposed change in the character, location, or volume of the discharge.
 7. These requirements do not exempt the Discharger 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.
 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 23 CCR article 6 (section 3867 et seq.);
 - 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.
11. This Order shall expire on December 31, 2007.
12. This Order rescinds the requirements and provisions of Regional Board Order No. R4-2002-0192, except for enforcement purposes.

I, Dennis A. Dickerson, 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 July 1, 2004.


Jonathan Bishop
Interim Executive Officer

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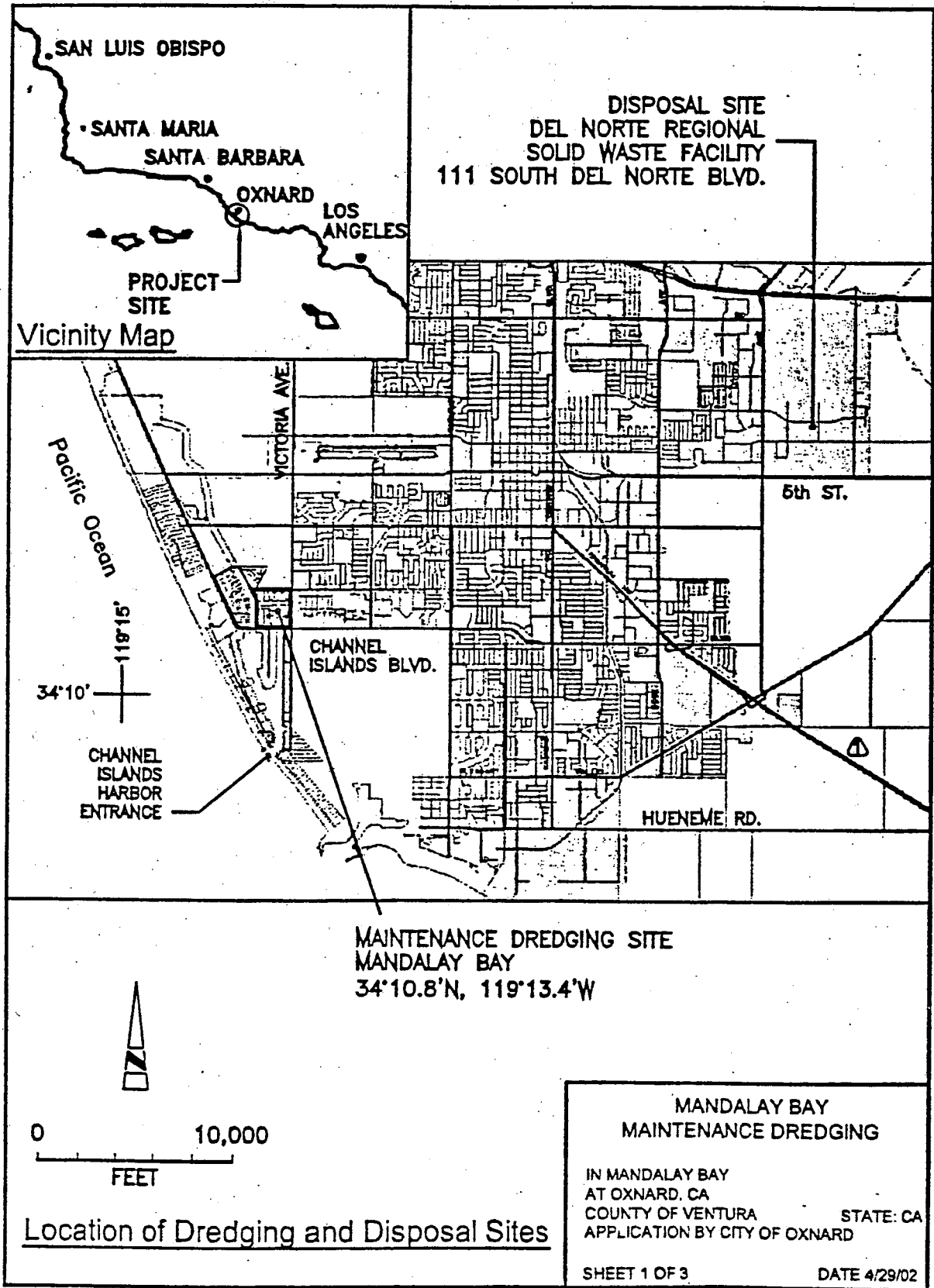


Figure 1. Location of East Mandalay Bay Maintenance Dredging Project and Disposal Site.

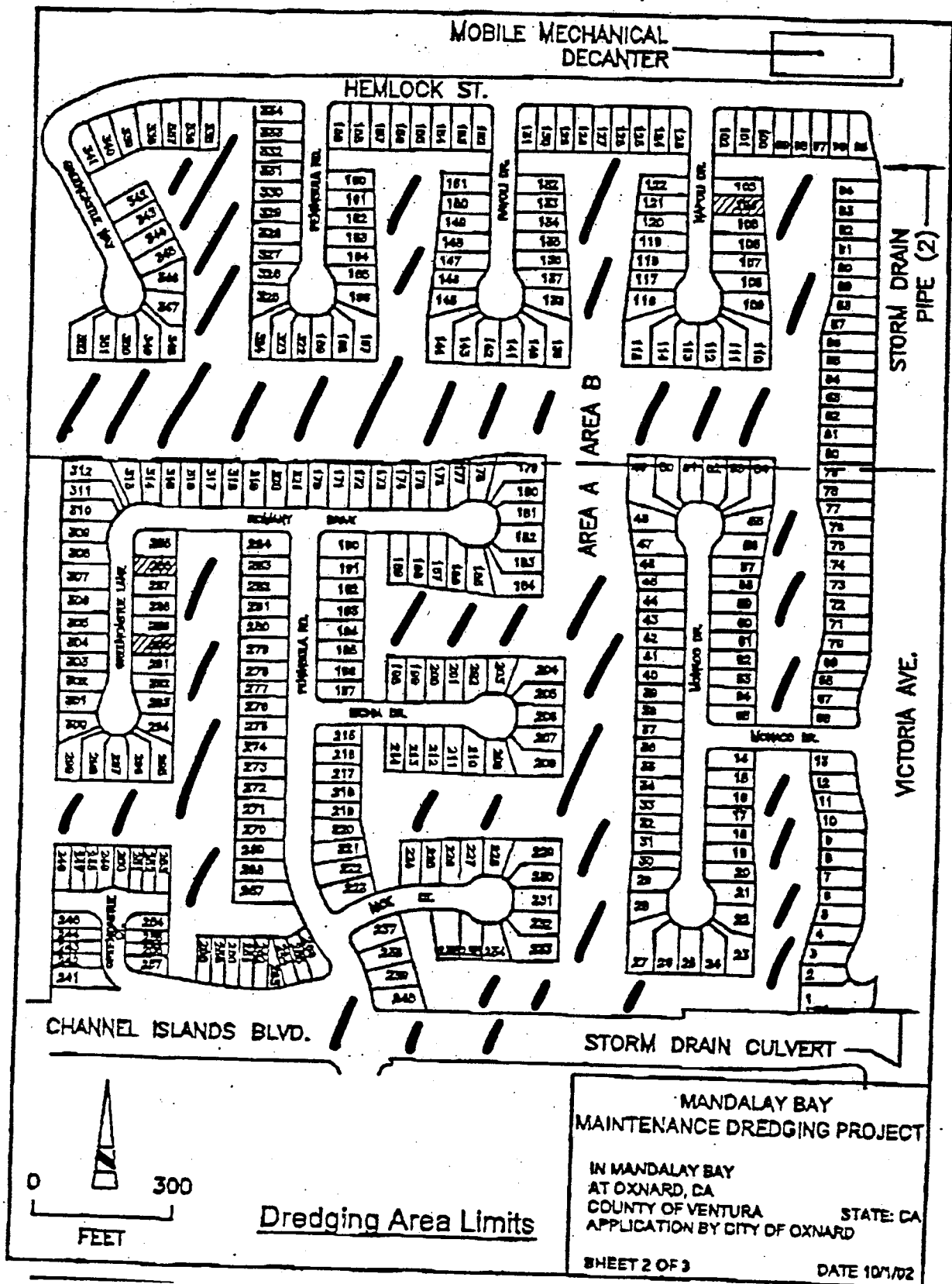


Figure 2. Location of areas to be dredged in eastern section of bay (indicated by cross-hatched markings).

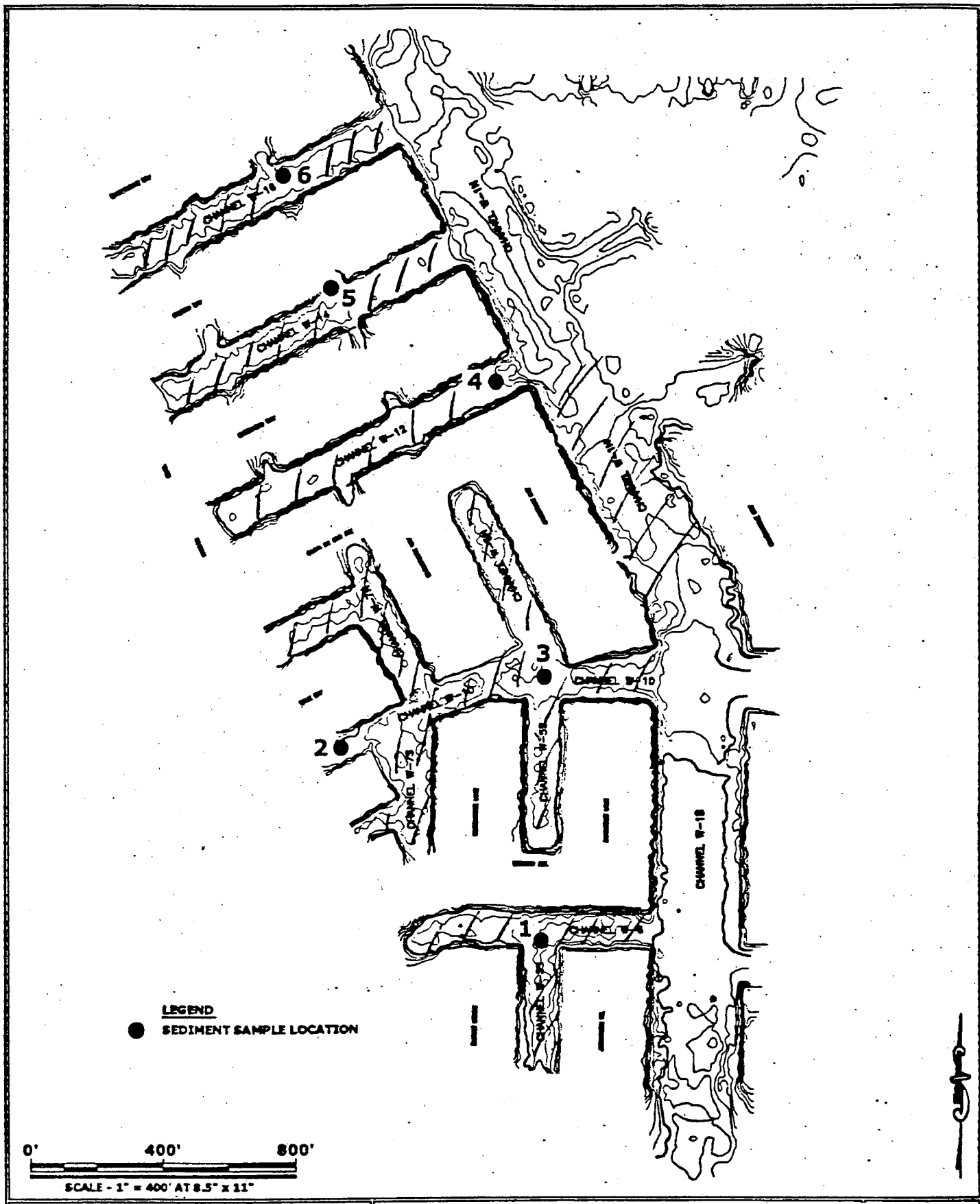


Figure 3. Location of areas to be dredged in western section of bay (indicated by cross-hatched markings) and sampling locations (1-6) for sediment characterization study.