State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. R11-002
March 3, 2011

Resolution to Support the Disbursement of Cleanup and Abatement Account (CAA) Funds to the City of Long Beach for the Remediation of Contaminated Sediments and the Restoration of Colorado Lagoon

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The Federal Clean Water Act (CWA) requires that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) establish water quality standards for each waterbody within its region. Water quality standards include beneficial uses, water quality objectives that are established at levels sufficient to protect those beneficial uses, and an antidegradation policy.

2. CWA section 303(d)(1) requires each state to identify the waters within its boundaries that do not meet water quality standards. Those waters are placed on the state's "303(d) List" or "Impaired Waters List". For each listed water body, the state is required to establish the Total Maximum Daily Load (TMDL) for each pollutant causing the waterbody impairment.

3. Colorado Lagoon has been identified on the State's 303(d) List since 1998 due to sediment toxicity and elevated levels of organochlorine (OC) pesticides, polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and metals in the sediment and fish tissue. These pollutants are impairing the beneficial uses of the lagoon, including recreation (REC-1 and REC-2), commercial and sport fishing (COMM), warm freshwater habitat (WARM), wildlife habitat (WILD), and shellfish harvesting (SHELL).

4. Colorado Lagoon is a unique resource amidst the urbanized environment of the Los Angeles metropolitan area. It is located within the City of Long Beach, California. The lagoon is a 15-acre, V-shaped tidal lagoon connected to Alamitos Bay and the Pacific Ocean via a box culvert to Marine Stadium. It has the potential to provide valuable natural habitat for local wildlife and aquatic species, as well as for thousands of migratory birds, including some endangered species. The lagoon and surrounding area are also heavily used for recreational activities, including wildlife viewing and picnicking, and have the potential to provide enhanced recreational opportunities such as swimming and fishing if sediment quality is improved.

5. On October 1, 2009, the Regional Board held a public hearing and adopted the Colorado Lagoon OC Pesticides, PCBs, Sediment Toxicity, PAHs, and Metals TMDL, which established numeric targets for chlordane, total DDT, dieldrin,

PCBs, PAHs, lead, and zinc in water, sediment and fish tissue, wasteload allocations (WLA) and load allocations (LA) to achieve the targets, monitoring and implementation requirements, and a seven-year implementation schedule. The TMDL sets forth a plan for restoring and maintaining sediment quality to levels necessary to fully support the lagoon's beneficial uses.

6. On November 16, 2010, the California State Water Resources Control Board (State Board) conducted a public meeting and subsequently approved the Colorado Lagoon Toxicity TMDL. The TMDL will be submitted to the Office of Administrative Law and USEPA for final approval.

7. The Colorado Lagoon Toxicity TMDL requires responsible parties for both point sources and nonpoint sources to mitigate the discharge of pollutants to the lagoon and to remove the contaminated sediment in Colorado Lagoon to levels corresponding to the Effect Range Low (ERL) thresholds developed by the National Oceanic and Atmospheric Administration (NOAA). The ERL thresholds are those below which adverse biological effects are not expected to occur, and are therefore the most appropriate for restoring and protecting the lagoon. Lowering and maintaining sediment concentrations below ERL values will restore the lagoon and prevent further impairment.

8. The removal of contaminated sediments will benefit the area's flora and fauna and make it a much more attractive place to recreate for City residents and visitors. Water quality will be significantly improved as a result of the dredging and recontouring of contaminated bottom sediments.

9. Prior to adoption of the TMDL, the City of Long Beach developed a comprehensive Master Restoration Plan for Colorado Lagoon in February 2005. Activities specified in the Restoration Plan included dredging 22,500 cubic yards of sediment from the western arm and 6,000 cubic yards from the central basin of Colorado Lagoon to a level corresponding to the Effect Range Median (ERM) thresholds, which are higher than the ERL thresholds used in the TMDL. The total cost of the 2005 Master Restoration Plan was estimated at $2,879,803, of which $1,080,000 was secured from U.S. Army Corps of Engineers and California Coastal Conservancy.

10. California Water Code sections 13440 through 13443 established the State Water Pollution Cleanup and Abatement Account (CAA) to be administered by the State Board. Under California Water Code section 13442, upon application by a public agency, such as the City of Long Beach, with authority to clean up a waste or abate the effects thereof, the State Board may order moneys to be paid from the account to assist the public agency in cleaning up the waste or abating its effects on waters of the state.

11. On March 16, 2010, the State Board authorized $1,799,803 from Cleanup and Abatement Account funds to the City of Long Beach for the Colorado Lagoon

dredging project to remove 28,500 cubic yards of contaminated sediment, addressing the funding shortfall to fully implement the 2005 Master Restoration Plan.

12. In July 2010, after adoption of the TMDL, additional sediment samples were collected by the City of Long Beach in the northern and western arms, and in the central basin of Colorado Lagoon. The sampling results indicated that in order to achieve final sediment concentrations at or below the ERL thresholds a total volume of 72,000 cubic yards of sediment, which includes approximately 50,000 cubic yards of hazardous materials and 20,000 cubic yards of non-hazardous materials, will need to be dredged.

13. The current cost estimate to dredge and dispose of the hazardous portion of the bed sediment, and to further evaluate the sediment quality by using the recently adopted Statewide Enclosed Bays and Estuaries Plan - Sediment Quality, is approximately $7.9 million. Based on the current secured funding (listed below), an additional $3.3 million is critically needed to complete this project.

Funding Agencies	**Secured Funding**
State Coastal Conservancy and National Oceanic Atmospheric Administration	$700,000
U.S. Army Corps of Engineers	$1,000,000
State Water Resources Control Board	$1,800,000
San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy	$1,100,000
Total	**$4,600,000**

14. The Regional Board supports disbursement of additional Cleanup and Abatement Account funds to the City of Long Beach in the amount of $3.3 million to dredge and properly dispose of the additional volume of contaminated sediments as determined necessary by the sampling conducted in July 2010.

15. The public has had an opportunity to review and comment upon the Resolution. The draft Resolution was released for public review on February 17, 2011 and circulated preceding Board action. Regional Board staff responded to oral comments received from the public. The Regional Board considered all comments received at its regular meeting held on March 3, 2011, in Los Angeles, California.

THEREFORE, be it resolved:

1. The Regional Board identifies the restoration of Colorado Lagoon, including the dredging and proper disposal of contaminated sediments to levels at or below ERL thresholds, as its current top priority for disbursement of funds from the Cleanup and Abatement Account.

2. The Regional Board fully supports the disbursement of additional Cleanup and Abatement Account funds in the amount of $3.3 million to the City of Long Beach to remediate the contaminated sediment and to restore beneficial uses of Colorado Lagoon.

3. The Executive Officer is directed to forward a copy of this Resolution to the State Board.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on March 3, 2011.

Samuel Unger

Samuel Unger, P.E.
Executive Officer

March 3, 2011