



Los Angeles Regional Water Quality Control Board

April 15, 2019,

David M. Walsh, P.E.
Chief Harbor Engineer
Port of Los Angeles
425 S. Palos Verdes Street/Post Office Box 151
San Pedro, CA 90733-0151

TENTATIVE CLEAN WATER ACT SECTION 401 CERTIFICATION AND REISSUANCE OF WASTE DISCHARGE REQUIREMENTS (WDRs) FOR PORT OF LOS ANGELES BERTHS 167-169 MARINE OIL TERMINAL IMPROVEMENTS PROJECT

Dear Mr. Walsh,

We have completed our review of your request, submitted on May 24, 2018, for reissuance of the Waste Discharge Requirements (WDRs) for the Port of Los Angeles' Berths 167-169 Marine Oil Terminal Improvements Project. Enclosed are copies of tentative Clean Water Act Section 401 Certification and WDRs (with Attachment A Standard Provisions) as well as a receiving water monitoring and reporting program (MRP) for dredging and disposal of dredged material from the Berths 167-169 Marine Oil Terminal Improvement Project.

In accordance with the California Water Code (CWC), this Board, at a public meeting to be held on **June 13, 2019, at 9:00 a.m.**, at the **City of Camarillo, 601 Carmen Drive, Camarillo, California**, will consider the enclosed tentative waste discharge requirements and comments submitted in writing regarding any and all portions thereof. The Board will hear any testimony pertinent to these discharges and the tentative requirements. It is expected that the Board will take action at the hearing; however, as testimony indicates, the Board at its discretion may order further action by staff. The agenda for the meeting will be posted on the Los Angeles Regional Water Control Board's website

(https://www.waterboards.ca.gov/losangeles/board_info/agenda/index.shtml)

approximately one week prior to the meeting.

Written comments pertaining to the tentative order must be received at the Regional Water Quality Control Board, Los Angeles office by **5:00 pm on May 15, 2019** in order to be evaluated by Board staff and included in the Board's agenda folder. Comments received after that date will not be considered absent extraordinary circumstances. Timely submittal of written comments is required to ensure that all comments are accurately and fully included in the administrative record, that Board staff is able to provide timely review, and that Regional Water Board members have sufficient time to give full consideration to the comments and issues raised.

IRMA MUÑOZ, CHAIR | DEBORAH SMITH, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles



If you have any questions regarding this proposed action, please contact me at (213) 620-2083 or via email at cris.morris@waterboards.ca.gov

Sincerely,



Cris Morris, P.E., P.M.P.
Watershed Regulatory Section Chief

Enclosures:

Tentative Waste Discharge Requirements
Monitoring and Reporting Program

cc: Elizabeth Payne, Water Quality Certification Unit, SWRCB
Melissa Scianni, U.S. Environmental Protection Agency
Allan Ota, U.S. Environmental Protection Agency
Theresa Stevens, U.S. Army Corps of Engineers
Lisa Mangione, U.S. Army Corps of Engineers
Szijj, Antal, U.S. Army Corps of Engineers
Bryant Chesney, National Marine Fisheries Service
Loni Adams, California Department of Fish and Wildlife
Carol Roberts, U.S. Fish and Wildlife Service
Larry Simon, California Coastal Commission
Annalisa Moe, Katherine Pease, Heal the Bay
Arthur Pugsley, LA Waterkeeper
Chris Brown and Ernie Robledo, Port of Los Angeles

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

ORDER NO. R4-2019-XXX

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND
WASTE DISCHARGE REQUIREMENTS
FOR
PORT OF LOS ANGELES
(BERTHS 167-169 MAINTENANCE DREDGING)
(FILE NO. 14-063)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Water Board) issues this Order pursuant to California Water Code section 13263, and finds:

1. The Regional Water Board issued Waste Discharge Requirements in Order No. R4-2014-0190 (Order) to the Port of Los Angeles (POLA) for berth modifications and maintenance dredging operations at Berths 167-169, including a new unloading platform, access trestle, catwalks, and berthing and mooring dolphins. This project replaces the current two-berth structure with a single berth at Berth 168 and is necessary to comply with Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS)(California Building Code, Chapter 31F – Marine Oil Terminals). The project area is located directly north of the Turning Basin in Los Angeles Harbor (Figure 1).

The work will include demolition of approximately 55,000 square feet of timber wharf structure (including removal and disposal of the existing timber deck and approximately 900 creosote-treated timber piles), construction of a new 124-foot by 30-foot loading platform (consisting of a reinforced concrete deck supported on eight 48-inch diameter steel pipe piles), construction of new mooring dolphins (consisting of a reinforced concrete deck supported on steel pipe piles) to the north and south of the new unloading platform, and construction of new steel catwalks to provide access to the various berthing and mooring elements.

2. In a letter dated November 29, 2016, the POLA requested a time extension for this project to account for delays related to the preparation of the Environmental Impact Report (EIR) and Shell Oil accepting the POLA's lease terms. The Order expired on December 31, 2016. The Regional Water Board did not amend the Order at that time and terminated the Order on May 10, 2018.
3. The POLA and Shell Oil have agreed to the terms of the new lease and the Los Angeles Board of Harbor Commissioners certified the EIR in August 2018. POLA filed an application to renew Order No. R4-2014-0190 on May 24, 2018 and prepared an updated Sampling and Analysis Report for the site. The Marine Oil Terminal Engineering and Maintenance Standards Sampling and Analysis Report, dated January 28, 2019, was approved by the Southern California Dredged Material Management Team (DMMT) on February 27, 2019. On March 19, 2019, the POLA submitted a letter to the Regional Water Board requesting a time extension to complete the project to September 30, 2023.

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4. As lead agency, the City of Los Angeles Harbor Department certified the Final Environmental Impact Report (EIR) for the Berths 167-169 [Shell] Marine Oil Terminal Wharf Improvements Project on August 23, 2018. Mitigation measures have been incorporated into the project to protect the marine mammals and the eelgrass in the vicinity of the construction. The Regional Water Board, as a responsible agency under CEQA, finds that all environmental effects have been identified for project activities that it is required to approve, and that the project will not have significant adverse impacts on the environment provided that the mitigation presented in the final EIR and additional best management practices set forth in the provisions below are carried out as conditioned in this Order. In adopting this Order, the Regional Water Board has eliminated or substantially lessened the less-than-significant effects on water quality, and therefore approves the project.
5. During removal of existing piles and installation of new piles, POLA expects that some sediment will slide from the existing slope surface and require removal. POLA proposes to dredge a maximum of approximately 2,000 cubic yards of sediment from Berths 167-169 (Figure 2) as needed to maintain berth depths following completion of the new construction elements. The 2,000 cubic yards of dredged material will be disposed of at the POLA Confined Disposal Facility (CDF) located at Berths 243-245 (Figure 3). 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.
6. A sediment characterization study was conducted for Berths 167-169 in June 2011. Core samples were collected at two locations within Area A in the northern portion of the study site and combined into a single composite for grain size and chemical analyses. Core samples were also collected at three locations within Area B in the southern portion of the study site and the three cores were combined into a single composite for grain size and chemical analyses. The five sample locations are indicated in Figure 4.
7. Grain size analyses from Berths 167-169 areas indicated that the sediments are fine-grained and comprised predominantly of silt and clay (Composite A was 73.9 % silt-clay and Composite B was 63.5 % silt-clay). Composite A exceeded the concentration thresholds likely to cause toxicity (Effects Range-Median) to marine organisms for copper, total DDT and total PAH, while Composite B exceeded these thresholds for copper (Table 1). Composite A exceeded the concentration thresholds which possibly could cause toxicity (Effects Range-Low) to marine organisms for arsenic, mercury, nickel and total PCB, while Composite B exceeded these thresholds for mercury, total DDT, total PCB and total PAH (Table 1).
8. Given the high contaminant concentrations for several constituents in the sediments to be dredged from Areas A and B in the vicinity of Berths 167-169, toxicity testing and bioaccumulation testing were not performed. The contaminated sediments will be disposed of within the POLA Berths 243-245 CDF, which has been used in the past for disposal of contaminated sediments from the channel deepening project. The CDF is engineered for placement of contaminated sediments to sequester the material and prevent releases of contaminants to adjacent harbor waterways.
9. The United States Army Corps of Engineers (COE) issued approval for permit application SPL-2014-00180-TS for the Berths 167-169 dredging project on June 3, 2014 and extended the completion date to December 31, 2019.

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10. The California Coastal Commission approved a Coastal Development Permit (No. 18-12) on September 5, 2018 to cover improvements to Berths 167-169 as outlined in the Application for Port Permit No. 131007-133. The permit requires that work must commence by September 5, 2020 and that if it does not, the permit will expire at that time.
11. On September 25, 2018, the City of Los Angeles Harbor Department determined that a Harbor Engineer Permit is not required for this project.
12. The Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates the beneficial uses of the Coastal Watersheds of Los Angeles and Ventura Counties and establishes water quality objectives for Los Angeles-Long Beach Harbor. The requirements contained in this Order implement the Basin Plan.
13. 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).
14. With proper management of the dredging and disposal operations, as proposed by POLA and as conditioned in this Order, the project is not expected to release significant levels of contaminants to the Harbor waters or other State waters, nor adversely impact beneficial uses.
15. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.
16. Any aggrieved person may petition the State Water Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be received by the State Water Board at the following address within 30 calendar days of the Regional Water Board's action:

State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100, 1001 I Street
Sacramento, CA 95812-0100

For instructions on how to file a petition for review, see:

<http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml>

IT IS HEREBY ORDERED that the POLA, 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 conditions and requirements:

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 existing and designated beneficial uses, including those

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identified in Finding number 13 above.

2. Marine and 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 marine and 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 milligrams per liter at any time outside the immediate area of operation.
 - g. Any condition of pollution or nuisance.

B. Provisions

1. These WDRs and Clean Water Act Section 401 Water Quality Certification are only valid for dredging of a maximum of 2,000 cubic yards of sediment and soil, with disposal of the dredged material at the Berths 243-245 Confined Disposal Facility.
2. POLA shall notify this Regional Water 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. The POLA shall conduct the monitoring required and comply with the reporting requirements outlined in the attached Monitoring and Reporting Program, which is part of these Waste Discharge Requirements and a condition of water quality

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certification.

4. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order, the POLA must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The POLA is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
5. A copy of this Order shall be made available at all times to project construction personnel.
6. The City shall provide the following information to the Regional Water Board:
 - a. 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.
 - b. Notice of termination of the operation, within one week following the termination date.
7. The City shall submit, under penalty of perjury, technical reports to the Regional Water Board in accordance with any specifications directed by the Executive Officer.
8. In accordance with section 13260(c) of the Water Code, the City shall file a report of any material change or proposed change in the character, location, or volume of the waste.
9. These requirements do not exempt the City from compliance with any other laws, regulations, or ordinances which may be applicable, 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.
10. 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.
11. This Order includes Attachment A: "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 herein prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said "Standard Provisions", the former shall prevail.
12. This Order certifies, pursuant to Clean Water Act Section 401 Water Quality Certification, that the proposed project, as conditioned by this Order complies with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic

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and Pretreatment Effluent Standards). 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.
13. This Order shall expire on September 30, 2023.

I, Renee Purdy, 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 June 13, 2019.

Renee Purdy
Executive Officer

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Figure 1. Project Vicinity for Berths 167-169 Dredging Project in Los Angeles Harbor



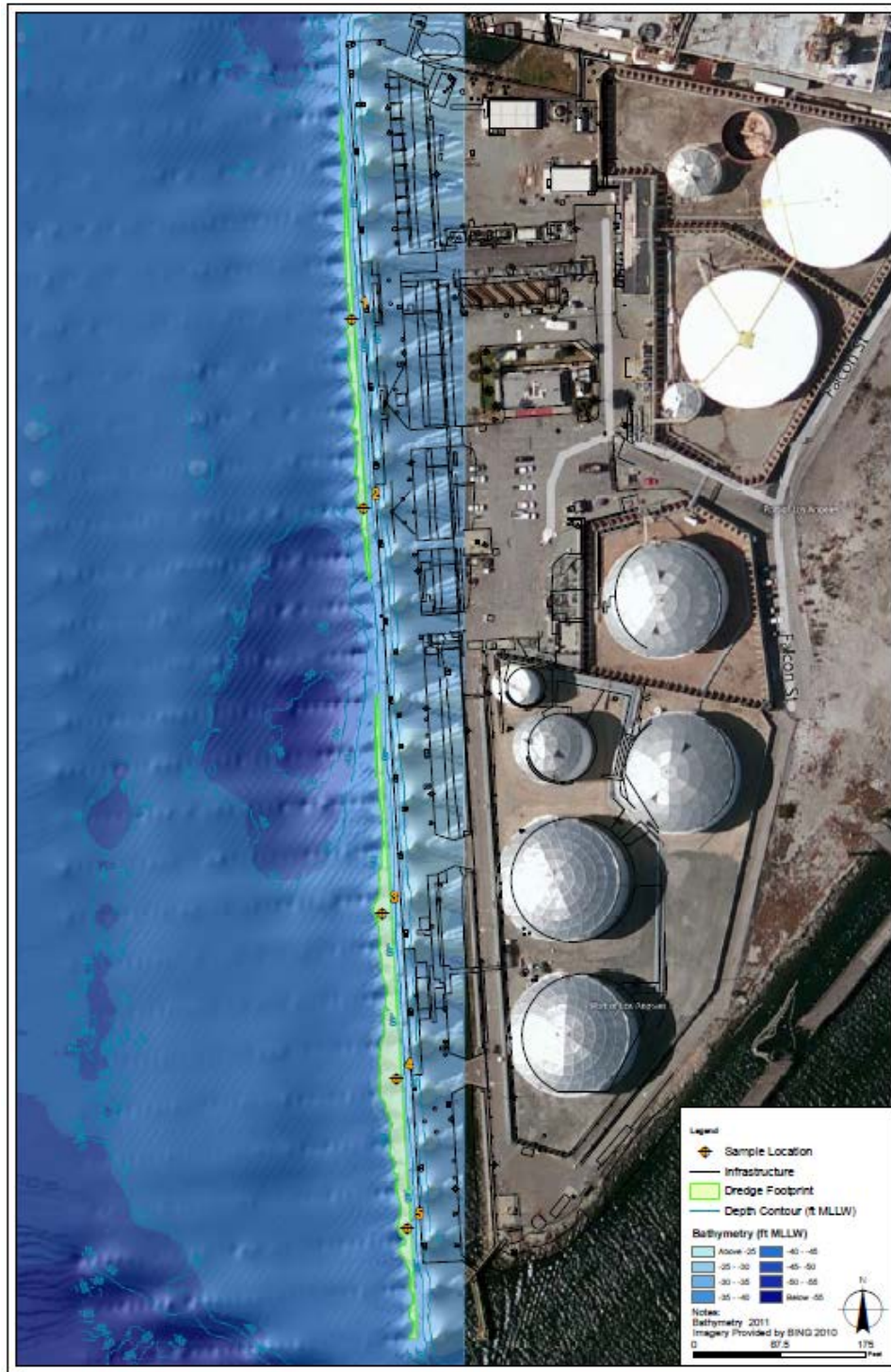
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Figure 2. Project Location: Berths 167-169 Maintenance Dredging



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Figure 3. Former Southwest Marine Shipyard (Berths 243-245)-Disposal Location



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Figure 4. Berths 167-169 Sediment Collection Locations

Table 1. Sediment Characteristics (June 2011) – Berths 167-169

Parameter	Composite A	Composite B	Sediment Screening Thresholds
Grain size: Sand/Gravel	26.1 %	36.5%	
Grain size: Silt and Clay	73.9 %	63.5 %	
Silver	0.286 ppm	<0.160 ppm	ERL= 1 ppm ERM= 3.7 ppm
Arsenic	10.4 ppm	6.3 ppm	ERL= 8.2 ppm ERM= 70 ppm
Cadmium	0.499 ppm	0.266 ppm	ERL= 1.2 ppm ERM= 9.6 ppm
Chromium	42.4 ppm	27.2 ppm	ERL= 81 ppm ERM= 370 ppm
Copper	88.8 ppm	101 ppm	ERL= 8.2 ppm ERM= 70 ppm
Mercury	0.277 ppm	0.312 ppm	ERL= 0.15 ppm ERM= 0.71 ppm
Nickel	26.8 ppm	17.3 ppm	ERL= 20.9 ppm ERM= 51.6 ppm
Lead	42.4 ppm	18.6 ppm	ERL= 46.7 ppm ERM= 218 ppm
Selenium	0.647 ppm	0.304 ppm	Not available
Zinc	141 ppm	104 ppm	ERL= 150 ppm ERM= 410 ppm
Total DDT	48.1 ppb	34.7 ppb	ERL = 1.58 ppb ERM = 46.1 ppb
Total PCB	102 ppb	102 ppb	ERL= 22.7 ppb ERM= 180 ppb
Total PAH	64,140 ppb	44,160 ppb	ERL = 4022 ppb ERM = 44,792 ppb

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ppm = parts per million; ppb = parts per billion; DDT = dichloro-diphenyl- trichloroethane;
PCB = polychlorinated biphenyls; PAH = polynuclear aromatic hydrocarbons;
ERL - Effects Range-Low; ERM= Effects Range-Medium

ATTACHMENT A - STANDARD PROVISIONS, GENERAL MONITORING AND REPORTING REQUIREMENTS

A. Duty to Comply

The Project Sponsor must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Water Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Water Board. (CWC Sections 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350). Failure to comply with any waste discharge requirement, monitoring and reporting requirement, or other order or prohibition issued, reissued or amended by the Regional Water Board or State Water Board is a violation of these waste discharge requirements and the Water Code, which can result in the imposition of civil liability. (CWC Section 13350, subdivision (a).)

B. General Prohibition

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the CWC. In addition, the discharge of waste classified as hazardous, as defined in California Code of Regulations, Title 23, Section 2521, subdivision (a) is also prohibited.

C. Availability

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. (CWC Section 13263).

D. Change in Ownership

The Project Sponsor must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new Project Sponsor containing a specific date for the transfer of this Order's responsibility and coverage between the current Project Sponsor and the new Project Sponsor. This agreement shall include an acknowledgement that the existing Project Sponsor is liable for violation up to the transfer date and that the new Project Sponsor is liable from the transfer date forward. (CWC Sections 13267 and 13263).

E. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, the Project Sponsor shall file with this Regional Water Board a new receiving water monitoring report (CWC Section 13260, subdivision (c)). A material change includes, but is not limited to, the following:

1. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
2. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed

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from the original area potentially causing different water quality or nuisance problems.

3. Increase in flow beyond that specified in the waste discharge requirements.
4. Increase in area or depth to be used for disposal beyond that specified in the waste discharge requirements. (CCR Title 23 Section 2210).

In addition, modifications to project may require an amendment of the Order. The Project Sponsor shall give advance notice to the Regional Water Board staff if project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform the Regional Water Board staff of any project modifications that will interfere with the permittee's compliance with the Order.

F. Revision

These waste discharge requirements are subject to review and revision by the Regional Water Board. (CWC Section 13263).

G. Notification

Where a project sponsor becomes aware that it failed to submit any relevant facts in a receiving water monitoring report or submitted incorrect information in a receiving water monitoring report or in any report to the Regional Water Board, it shall promptly submit such facts or information. (CWC Sections 13260 and 13267).

H. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect a Project Sponsor from his liability under Federal, State or local laws, nor do they create a vested right for the Project sponsor to continue the waste discharge. (CWC Section 13263, subdivision (g)).

I. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected. (CWC Section 921).

J. Operation and Maintenance

The Project Sponsor shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Project Sponsor to achieve compliance with conditions of this Order. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. (CWC Section 13263, subdivision (f)).

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K. Hazardous Releases Requirement

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Water Board or the appropriate Regional Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the California Water Code unless the discharge is in violation of a prohibition in the applicable Water Quality Control plan. (CWC Section 13271, subdivision (a)).

L. Oil or Petroleum Releases

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any water of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. (CWC Section 13272).

M. Investigations and Inspection

The Project Sponsor shall allow the Regional Water Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Project Sponsor's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order.
1. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Order.
2. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

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3. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. (CWC Section 13267).
4. Except for material determined to be confidential in accordance with applicable law, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the office of the Los Angeles Regional Water Board. Data on waste discharges, water quality, geology, and hydrogeology shall not be considered confidential.

N. Monitoring Program and Devices

The Project Sponsor shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. (CWC Section 13267).

All monitoring instruments and devices used by the discharge to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the Project Sponsor shall submit to the Executive Officer a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

The analysis of any material required pursuant to Division 7 of the Water Code shall be performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. However, this requirement does not apply to field tests, such as test for color, odor, turbidity, pH, temperature, dissolved oxygen, conductivity, and disinfectant residual chlorine. (California Water Code, Section 13176).

Unless otherwise permitted by the Regional Water Board Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Water Resources Control Board's Division of Drinking Water. All analyses shall be required to be conducted in accordance with the latest edition of "*Guidelines Establishing Test Procedures for Analysis of Pollutants*" (40 CFR Part 136) promulgated by the U.S. Environmental Protection Agency. (CCR Title 23, Section 2230). The Quality Assurance-Quality Control Program must conform to the USEPA Guidelines "*Laboratory Documentation Requirements for Data Validation*", January 1990, USEPA Region 9) or procedures approved by the Los Angeles Regional Water Quality Control Board.

All quality assurance and quality control (QA/QC) analyses must be run on the same dates when samples were actually analyzed. All QA/QC data shall be reported, along with the sample results to which they apply, including the method, equipment, analytical detection and quantitation limits, the percent recovery, and explanation for any recovery that falls outside the QC limits, the results of equipment and method blanks, the results of spiked and surrogate samples, the frequency of quality control analysis, and the name and qualifications of the person(s) performing the analyses. Sample results shall be reported unadjusted for blank results or spike recoveries. In cases where contaminants

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are detected in QA/QC samples (e.g., field, trip, or lab blanks); the accompanying sample results shall be appropriately flagged.

The Project Sponsor shall make all QA/QC data available for inspection by Regional Water Board staff and submit the QA/QC documentation with its respective quarterly report. If required, proper chain of custody procedures must be followed, and a copy of that documentation shall be submitted with the quarterly report.

O. Operation Failure

In an enforcement action, it shall not be a defense for the Project Sponsor that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the facility, the Project Sponsor shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored, or an alternative method is provided. (CWC Section 13263(f)).

P. Discharge to Navigable Waters

Any person who discharges pollutants or proposes to discharge pollutants to navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into navigable waters of the United States within the jurisdiction of this state shall file a report of waste discharge in compliance with the procedures set forth in Water Code section 13260. (California Water Code, Section 13376).

Q. Endangerment to Health and Environment

The Project Sponsor shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Project Sponsor becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Project Sponsor becomes aware of the circumstances. The written submission shall contain a description and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Maintenance of Records

The Project Sponsor shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board Executive Officer.

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements.
2. The individual(s) who performed the sampling or measurements.

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3. The date(s) analyses were performed.
4. The individual(s) who performed the analyses.
5. The analytical techniques or method used.
6. The results of such analyses.

R. Signatory Requirement

1. All application reports or information to be submitted to the Executive Officer shall be signed and certified as follows:
 - a. For a corporation – by a principle executive officer or at least the level of vice president.
 - a. For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
 - b. For a municipality, state, federal or other public agency – by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
 - a. The authorization is made in writing by a person described in paragraph (a) of this provision.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity.
 - c. The written authorization is submitted to the Executive Officer.

S. Continue Past Expiration Date

If the Project Sponsor/Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Project Sponsor/Discharger must apply for and obtain a new Order.

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

**MONITORING AND REPORTING PROGRAM NO. XXXX
FOR
PORT OF LOS ANGELES
(BERTHS 167-169 MAINTENANCE DREDGING)
(FILE NO. 19-XXX)**

1. Receiving Water Monitoring

The following sampling protocol shall be undertaken by the Port of Los Angeles (POLA) during the proposed dredging project. Sampling for the receiving water monitoring shall commence at least one week prior to the start of the dredging and fill operations and continue at least one week following the completion of all such operations. Sampling shall be conducted a minimum of once a week during dredging operations. Sampling shall be conducted down current of the dredge sites at least one hour after the start of dredging operations. All receiving water monitoring data shall be obtained via grab samples or remote electronic detection equipment. Receiving water samples shall be taken at the following stations:

<u>Station</u>	<u>Description</u>
A	30.5 meters (100 feet) up current of the dredging operations, safety permitting.
B	30.5 meters (100 feet) down current of the dredging operations, safety permitting.
C	91.5 meters (300 feet) down current of the dredging operations.
D	Control site (area not affected by dredging operations).

The following shall constitute the receiving water monitoring program:

Water Column Monitoring

<u>Parameters</u>	<u>Units</u>	<u>Station</u>	<u>Frequency</u>
Dissolved oxygen ¹	mg/l	A-D	Weekly ²
Light transmittance ¹	% Transmittance	" "	"
pH ¹	pH units	" "	"
Suspended solids ³	mg/l	" "	"

¹Measurements shall be taken throughout the water column (at a minimum, at 2-meter increments).

²During the first two weeks of dredging, stations shall be sampled two times per week.

³Mid-depth shall be sampled.

Water column light transmittance values from Stations C and D shall be compared for the near surface (1 meter below the surface), for mid-water (averaged values throughout the water column,

excluding the near surface and bottom) and for the bottom (1 meter above the bottom). If the difference in % light transmittance between stations C and D for the near surface or mid-water or bottom is 30% or greater, water samples shall be collected at mid-depth (or the depth at which the maximum turbidity occurs) and analyzed for trace metals, DDTs, PCBs and PAHs. At a minimum, one set of water samples shall be collected and analyzed for these chemical constituents during the maintenance dredging operation.

In the event that the water column light transmittance values from Stations C and D exceed the 30% trigger described above, the POLA shall conduct the standard water quality monitoring described above for three consecutive days following the date of exceedance. The POLA shall notify the Regional Water Board, the California Coastal Commission, the United States Environmental Protection Agency and the United States Army Corps of Engineers within 24 hours following observance of the transmissivity exceedance. The POLA shall investigate whether the exceedance is due to obvious dredging operational problems and can be corrected easily and quickly. However, if the turbidity problem persists or recurs, the POLA shall look for other causes of the problem and evaluate whether additional, more aggressive best management practices are required to eliminate the exceedances; this evaluation shall be performed in consultation with the four regulatory agencies listed above.

Color photographs shall be taken at the time of sampling to record the presence and extent of visible effects of dredging operations. These photographs shall be submitted with the receiving water monitoring reports.

The POLA shall provide Regional Water Board staff with a receiving water monitoring program field schedule at least one week prior to initiating the program. Regional Water Board staff shall be notified of any changes in the field schedule at least 48 hours in advance.

2. Observations

The following receiving water observations shall be made and logged daily during dredging or excavating operations:

- a. Date and time;
- b. Direction and estimated speed of currents;
- c. General weather conditions and wind velocity;
- d. Tide stage;
- e. Appearance of trash, floatable material, grease, oil or oily slick, or other objectionable materials;
- f. Discoloration and/or turbidity;
- g. Odors;
- h. Depth of dredge operations during previous day;
- i. Amount of material dredged the previous day;
- j. Cumulative total amount of material dredged to date.

3. General Provisions

All sampling, sample preservation, and analyses shall be performed in accordance with the latest edition of "*Guidelines Establishing Test Procedures for Analysis of Pollutants*" promulgated by the United States Environmental Protection Agency.

All chemical analyses shall be conducted at a laboratory certified for such analysis by the State Division of Drinking Water Environmental Laboratory Accreditation Program (ELAP) or approved by the Executive Officer.

The POLA shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to insure accuracy of measurements or shall insure that both activities will be conducted by third parties under Port supervision.

A grab sample is defined as an individual sample collected in fewer than 15 minutes.

All samples shall be representative of the waste discharge under normal operating conditions.

4. Reporting

Monitoring reports shall be submitted within 10 days following each weekly sampling period. In reporting, the POLA shall arrange the monitoring data in tabular form so that dates, time, parameters, test data, and observations are readily discernible. The data shall be summarized to demonstrate compliance with the waste discharge requirements. A final report, summarizing the results of the weekly monitoring and reporting the total volume discharged, shall be submitted within one month of completion of the project.

Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

Each monitoring report must affirm in writing that:

All analyses were conducted at a laboratory certified for such analyses by the Environmental Laboratory Accreditation Program (ELAP), Division of Drinking Water or approved by the Executive Officer and in accordance with current USEPA guidelines or as specified in the Monitoring and Reporting Program.

For any analysis performed for which no procedure is specified in the EPA guidelines or in the Monitoring Program, the constituent or parameter analyzed, and the method or procedure used must be specified in the report.

Monitoring and Reporting Program No. XXXX
2019-XXXX
Port of Los Angeles
Berths 167-169 Maintenance Dredging

Order No. R4-

All monitoring reports should be submitted electronically to the Regional Water Board via the following email address: losangeles.losangeles@waterboards.ca.gov. All submittals should reference the compliance file (CI) number required by the Order. Please do not combine reports – each report should be submitted as a separate document.

5. General Provisions for Reporting

For every item where the requirements are not met, the POLA shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Executed on the _____ day of _____, 20____,
at _____.

_____(Signature)

_____(Title)"

These records and reports are public documents and shall be made available for inspection during business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by:

Renee Purdy
Executive Officer

Date: June 13, 2019