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## Los Angeles Regional Water Quality Control Board

December 20, 2019

Mr. David Walsh, P.E.  
Chief Harbor Engineer, Port of Los Angeles  
425 South Palos Verdes St.  
San Pedro, CA 90731

### TENTATIVE WASTE DISCHARGE REQUIREMENTS (WDRs) FOR PORT OF LOS ANGELES BERTHS 238-239 IMPROVEMENTS PROJECT (File No. 19-039)

Dear Mr. Walsh,

We have completed our review of your application to this Board for waste discharge requirements (WDRs) for your proposed discharge of wastes. Enclosed are copies of tentative WDRs and a monitoring and reporting program for dredging and disposal of dredged material from the Port of Los Angeles Berths 238-239 Improvements Project, Los Angeles County. A copy of our Standard Provisions and General Monitoring and Reporting Requirements are also enclosed.

In accordance with administrative procedures, this Board, at a public meeting to be held on February 13, 2020, at 9:00 am will consider the enclosed tentative requirements and comments submitted in writing regarding any or all portions thereof. Please refer to the Los Angeles Water Quality Control Board website for the meeting location (Board meeting location is subject to change). 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 investigation. 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](https://www.waterboards.ca.gov/losangeles/board_info/agenda/index.shtml))

Approximately one week prior to the meeting.

Written comments or exhibits regarding this tentative Order must be received at the Regional Water Board office by 5:00 pm on January 23, 2020. Failure to comply with this requirement provides grounds for the Regional Board to refuse to admit the proposed written comments or exhibit the evidence (Title 23 CCR Section 648.2). If

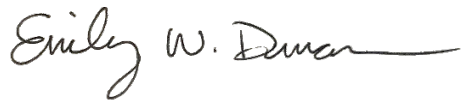
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IRMA MUÑOZ, CHAIR | RENEE PURDY, EXECUTIVE OFFICER

materials are not submitted in a timely matter, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of written testimony or exhibits not timely submitted, the Regional Board may refuse to admit it.

If you have any questions regarding this proposed action, please contact me at (213) 576-6679 or via email at [emily.duncan@waterboards.ca.gov](mailto:emily.duncan@waterboards.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Emily W. Duncan". The signature is written in dark ink and is positioned above the printed name.

Emily W. Duncan, Ph.D.  
Senior Environmental Scientist

Enclosures

Tentative Waste Discharge Requirements  
Tentative Monitoring and Reporting Program

CC:

Allan Ota, U.S. Environmental Protection Agency  
Melissa Scianni, U.S. Environmental Protection Agency  
Larry, Simon Coastal, California Coastal Commission  
Theresa Stevens, U.S. Army Corps of Engineers  
Antal Szijj, U.S. Army Corps of Engineers  
Bryant Chesney, National Oceanic and Atmospheric Administration  
Loni Adams, California Department of Fish and Wildlife  
Carol Roberts, U.S. Fish and Wildlife Service  
Analisa Moe, Heal the Bay  
David Walsh, Port of Los Angeles  
Ernie Robledo, Port of Los Angeles

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

**ORDER NO. R4-2020-XXXX**

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
PORT OF LOS ANGELES  
(BERTHS 238-239 IMPROVEMENTS PROJECT)  
(FILE NUMBER 19-039)**

**A. FINDINGS**

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Water Board) issues this Order pursuant to California Water Code section 13263 and Clean Water Act section 401, and finds:

1. On June 14, 2018, the Port of Los Angeles (POLA, PBF Energy) filed an application for Waste Discharge Requirements (WDRs) and water quality certification for its project, entitled "Marine Oil Terminal Improvements for Berths 238-239" to conduct maintenance dredging operations and to make modifications at Berths 238-239 at the Port of Los Angeles, in Los Angeles, California (425 S. Palos Verdes St., San Pedro, CA 90731, Latitude and Longitude: 33°44'02" N, 118°16'2" W). The Project components include constructing a new unloading platform, access trestle, catwalks, and berthing and mooring dolphins at Berth 238. This project will replace the current two-berth structure with a single berth at Berth 238 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 on the Los Angeles Main Channel south of the Turning Basin (Figures 1 and 2).

The work will include demolition of approximately 17,850 square feet of the existing wharf and deck and associated cap beams, joist, and appurtenant structures (including removal and disposal of the existing 192 concrete piles, 10 concrete-encased steel piles, and approximately 104 creosote-treated timber piles. Construction will include a new 6,217-square ft. loading platform (consisting of a reinforced concrete deck supported on 42-inch diameter steel pipe piles), construction of two new berthing dolphins (84-inch diameter steel piles), construction of four new mooring landside dolphins (supported by twenty 24-inch diameter steel piles), construction of a new steel catwalk to provide access to the various berthing and mooring elements.

2. During removal of the existing piles and installation of new piles, POLA expects that some sediment will slide from the existing slope surface and require removal. POLA will dredge approximately 2,000 cubic yards of sediment from Berths 238-239 (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

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the 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.

3. A sediment characterization study was conducted for Berths 238-239 in November 2018. Grab samples were collected on November 14, 2018 at four locations. Two sediment samples were collected in each berth, and one composite sample was created with equal portions from each of the four grab samples collected in the terminal. The four sample locations are indicated in Figure 4.
4. Grain size analyses on the composite sample from Berths 238 and 239 indicated that the sediments are fine-grained and comprised predominantly of silt and clay (48.84%) and fine/very fine sand (24.2%). The composite sample exceeded the concentration thresholds likely to cause toxicity (Effects Range-Median) (ER-M) to marine organisms for total detectable chlordane, total detectable high molecular weight (HMW) PAHs, and pyrene. In addition the composite sample exceeded the concentration thresholds that possibly could cause toxicity (Effects Range-Low) (ER-L) to marine organisms for copper, 4,4'-DDE, 4,4'-DDD, total DDT, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, total detectable low molecular weight (LMW) PAHs, fluoranthene, benzo (a) anthracene, chrysene, benzo (a) pyrene, dibenz (a,h) anthracene, total PAHs, and total PCBs. (Refer to Table 1.)
5. Given the high contaminant concentrations for several constituents in the sediments to be dredged from the vicinity of Berths 238-239, toxicity testing and bioaccumulation testing were not performed.
6. 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. To support suitability determination for disposal at the CDF located at Berths 243-245, a single composite sediment sample was submitted to Eurofins Calscience for analysis. For Berths 238-239 there were no exceedances of TTLC regulatory limits for any analyte tested. Only copper was above ER-L screening concentrations. High molecular weight PAHs were above the ER-M screening concentration; however, total detectable PAHs were below the associated ER-M screening concentration. Finally, there were no exceedances of California Toxics Rule (40 CFR 131.38; "CTR") criteria during elutriate testing (Table 1).
7. 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. As reported in the Initial Study and Mitigated Negative Declaration, the project will have less-than-Significant Impact with Mitigation on bird and mammal species. Noise mitigation will be implemented for reducing impact to mammals by using "soft start" practices for pile driving activities. There is no compensatory mitigation for this project.

8. The United States Army Corps of Engineers (COE) issued approval for permit application SPL-2018-00354-TS Marine Oil Terminal Improvements for Berths 238-239 on March 6, 2019. The permit will expire on December 31, 2021.
9. The California Coastal Commission approved a Coastal Development Permit (No. 19-02) on April 8, 2019 to cover the improvements to Berths 238-239 as outlined in the Application for Port Permit No. 161208-173. The permit requires that work commence by April 8, 2021 and that if it does not, the permit will expire at that time.
10. 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 implements water quality objectives for Los Angeles-Long Beach Harbor. The requirements contained in this Order implement the Basin Plan.
11. 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).
12. As lead agency, the City of Los Angeles Harbor Department certified the Mitigated Negative Declaration for the Marine Oil Terminal Wharf Improvements for Berths 238-239 project on June 21, 2018. Mitigation measures have been incorporated into the project to protect the marine mammals 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 Mitigated Negative Declaration 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.
13. Clean Water Act Section 401(d) and CWC section 13267 authorize the Regional Water Board to require technical and monitoring reports. The attached MRP establishes monitoring and reporting requirements to implement federal and state requirements.

CWC section 13267(b) states, in part:

In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging or proposes to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region shall furnish under penalty of perjury, technical or monitoring program reports which the Regional Board requires. The burden, including costs of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board

shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports. The burden, including costs, of conducting the monitoring and providing the reports required by this Order bears a reasonable relationship to the need for the monitoring/reports and the benefits to be obtained from the data and reports. Specifically, the required monitoring and reports will confirm that the dredging operations authorized by this Order will protect beneficial uses and verify compliance with this Order.

14. The Regional Water Board provided public notice of the draft Order from December 20, 2019 to January 21, 2020.
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 this Order in accordance with California Code of Regulations, title 23, section 3867. The petition must be submitted in writing and received by the State Water Board at the following address within 30 calendar days of issuance of this Order:

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.s.html](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.s.html)

**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:

## **B. 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 identified in Finding number 10 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.

## **C. PROVISIONS**

1. These WDRs and Clean Water Act Section 401 Water Quality Certification are only valid for dredging a maximum of 2,000 cy of sediment and soil, with disposal of the dredged material at the Confined Disposal Facility (Figure 3).
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.
4. 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 certification.
5. 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.

6. A copy of this Order shall be made available at all times to project construction personnel.
7. POLA 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.
8. POLA shall submit, under penalty of perjury, technical reports to the Regional Water Board in accordance with any specifications directed by the Executive Officer.
9. 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.
10. These requirements do not exempt POLA 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.
11. 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.
12. 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.
13. This Order certifies, pursuant to Clean Water Act Section 401, 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 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.

14. This Order shall expire on December 31, 2021.

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 February 13, 2020.

Renee Purdy  
Executive Officer

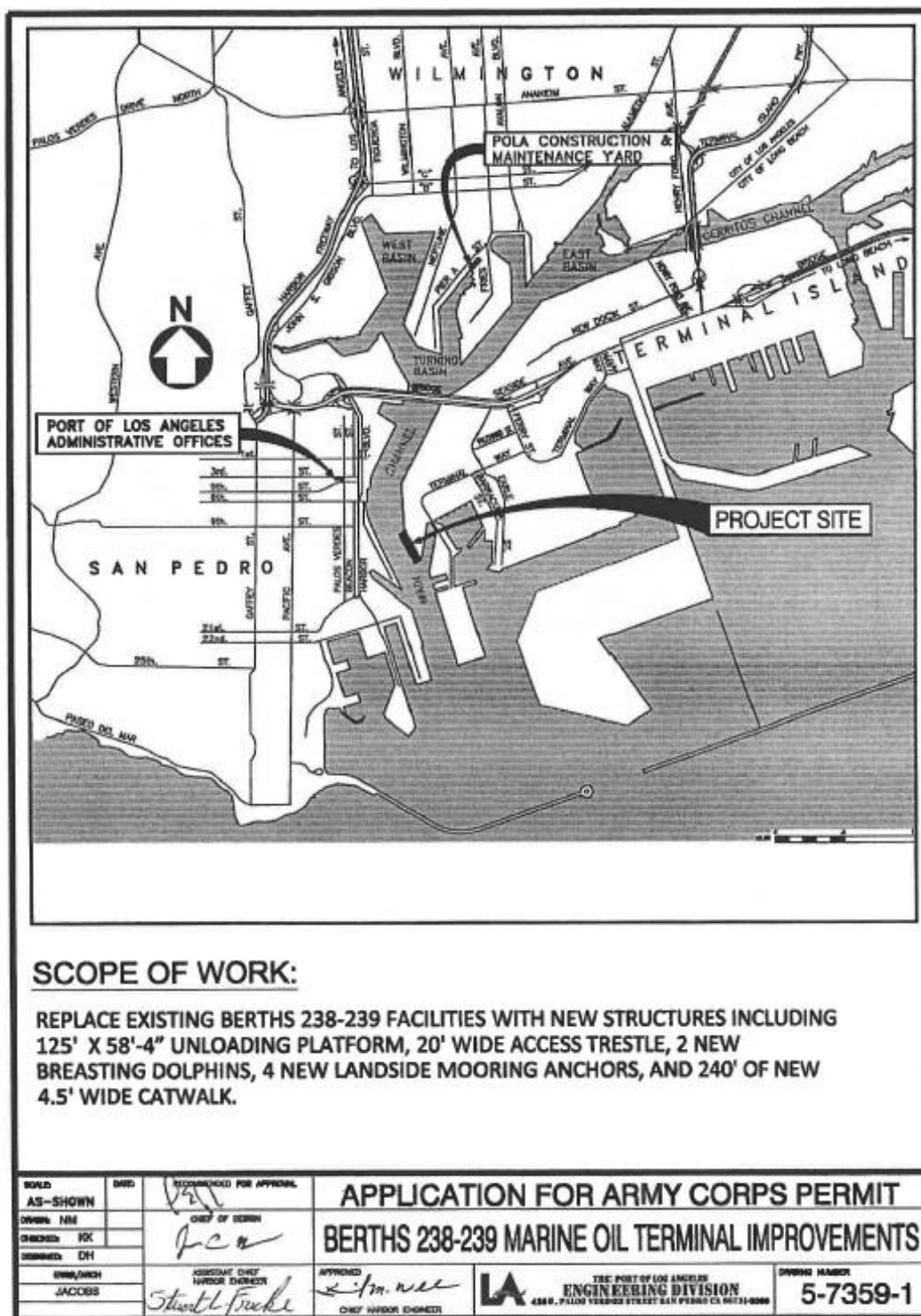


Figure 1. Location Map for the Port of Los Angeles and the Marine Oil Terminal Berths 238-239 Improvements project location



Figure 2. Project Location of Marine Oil Terminal Berths 238-239.





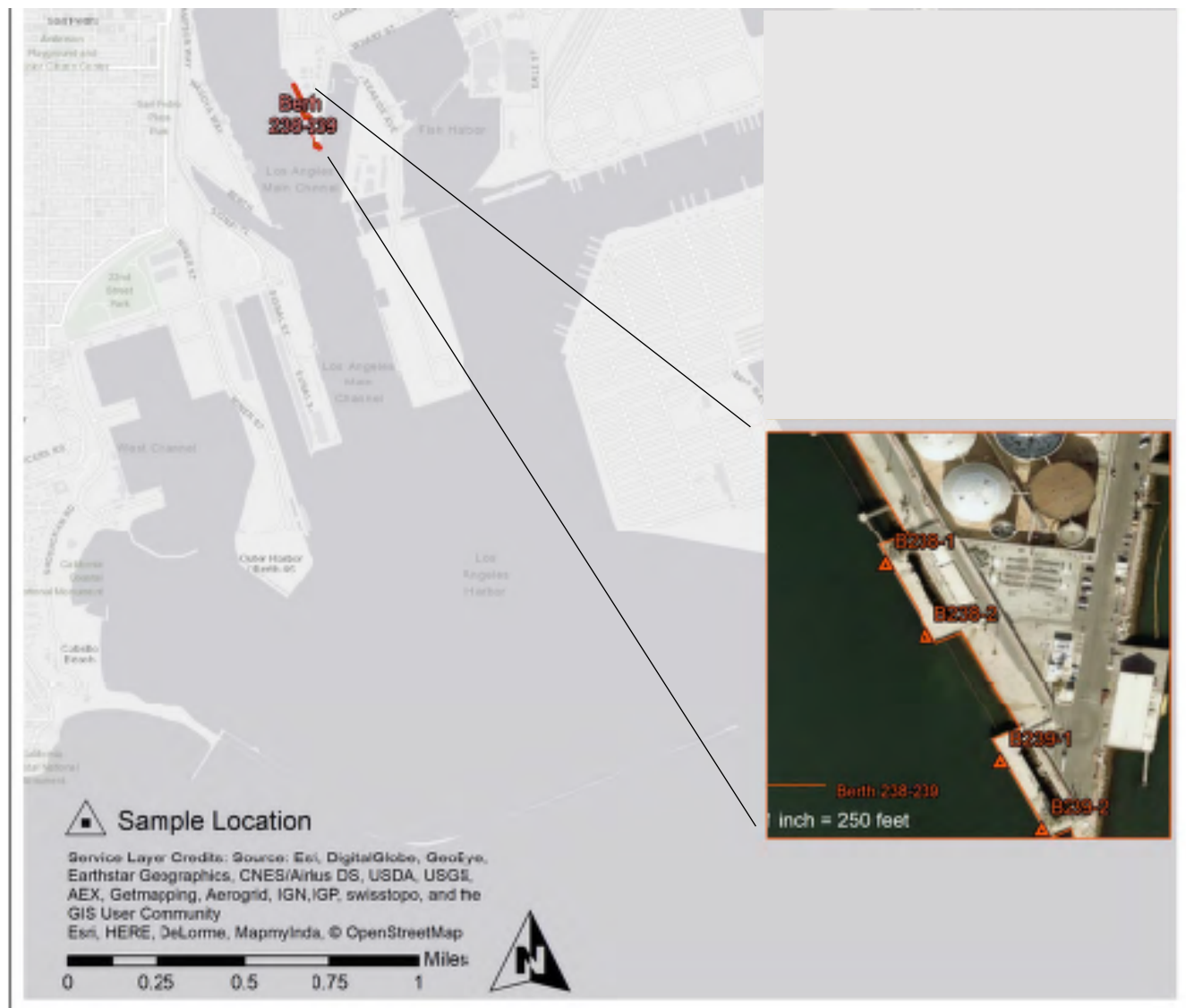


Figure 3. MOTEMS Sediment Sampling Locations

Figure 4. Sediment sampling locations at Berths 238-239.

Table 1. Sediment Characteristics (November 2018) – Berths 238-239

Parameter	Composite	Sediment Screening Thresholds
Arsenic <sup>1</sup>	7.73 mg/kg <sup>2</sup>	ERL <sup>3</sup> = 8.2 mg/kg ERM <sup>4</sup> = 70 mg/kg
Cadmium	0.295 mg/kg	ERL= 1.2 mg/kg ERM= 9.6 mg/kg
Chromium	30.2 mg/kg	ERL= 81 mg/kg ERM= 370 mg/kg
Copper	81 mg/kg	ERL= 34 mg/kg ERM= 270 mg/kg
Mercury	0.225 mg/kg	ERL= 0.15 mg/kg ERM= 0.71 mg/kg
Nickel	18.4 mg/kg	ERL= 20.9 mg/kg ERM= 51.6 mg/kg
Lead	28.6 mg/kg	ERL= 46.7 mg/kg ERM= 218 mg/kg
Selenium	3.72 mg/kg	Not available
Zinc	126 mg/kg	ERL= 150 mg/kg ERM= 410 mg/kg
Silver	0.319 mg/kg	ERL= 1mg/kg ERM= 3.7 mg/kg
4,4'-DDE <sup>5</sup>	23 µg/kg <sup>6</sup>	ERL = 2.2 µg/kg ERM = 27 µg/kg
Total Detectable DDTs <sup>7</sup>	34.3 µg/kg	ERL = 1.58 µg/kg ERM = 46.1 µg/kg
Total Detectable Chlordane	11 µg/kg	ERL = 0.5 µg/kg ERM = 6 µg/kg
Total Polychlorinated Biphenyls	64 µg/kg	ERL= 22.7 µg/kg ERM= 180 µg/kg
Total PAHs <sup>8</sup>	20,387 µg/kg	ERL = 4022 µg/kg ERM = 44,792 µg/kg

<sup>1</sup> Analyte was found in associated method blank

<sup>2</sup> mg/kg means milligram per kilogram

<sup>3</sup> ERL means Effects Range-Low

<sup>4</sup> ERM means Effects Range-Medium

<sup>5</sup> DDE means dichloro-diphenylethylene

<sup>6</sup> µg/kg means microgram per kilogram

<sup>7</sup> DDT means dichloro-diphenyltrichloroethane

<sup>8</sup> PAHs means polynuclear aromatic hydrocarbons

## **ATTACHMENT A – STANDARD PROVISIONS, GENERAL MONITORING AND REPORTING REQUIREMENTS**

### **A. Duty to Comply**

The Project Sponsor must comply with all conditions of this Order. 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 this Order by the Regional Water Board. (CWC Sections 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350, 13385). 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 this Order, the Water Code, and the Clean Water Act, which can result in the imposition of civil liability. (CWC Sections 13350 and 13385).

### **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 this Order shall be maintained at the discharge facility during construction and be available at all times to operating personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site. A copy of this Order shall be provided to any consultants, contractors and subcontractors working on the Project. The Permittee shall be responsible for work conducted by its consultants, contractors and any subcontractors.

### **D. Change in Ownership**

The Project Sponsor shall notify any succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Regional Water Board. The Permittee shall notify the Regional Water Board, in writing, at least 60 days in advance of ownership change and provide a date on which the transfer of this Order's responsibility and coverage will go from the current Discharger to the new discharger. The notification shall include an agreement between the parties to transfer responsibility for compliance with the Order. The agreement shall include an acknowledgement that the existing Discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date forward. The succeeding owner or operator shall submit an updated application that requests an amendment to formally amend the Order to acknowledge the transfer.

### **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 application (CWC Section 13260, subdivision (c)). A material change includes, but is not limited to, the following:

- a. 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.
- b. 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 from the original area potentially causing different water quality or nuisance problems.
- c. Increase in volume beyond that specified in the Order.
- d. Increase in area or depth to be used for disposal beyond that specified in the Order. (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**

This Order is 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 this Order are severable. If any provision of these requirements is found invalid, the remainder of the Order shall not be affected. (CWC Section 921). The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals. This Order and all of its conditions contained herein continue to have full force and effect, regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of the Clean Water Act, section 401(d), this



condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

#### **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)).

#### **K. Hazardous Releases Requirement**

Except for a discharge which is in compliance with this Order, 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 this Order, 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.
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Order.
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
4. 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).

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 discharger 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. (CWC 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 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. (CWC 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:

- The date, exact place, and time of sampling or measurements.
- The individual(s) who performed the sampling or measurements.
- The date(s) analyses were performed.
- The individual(s) who performed the analyses.
- The analytical techniques or method used.
- 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.
  - b. For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
  - c. 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.

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

**R4-2020-XXXX**

**MONITORING AND REPORTING PROGRAM NUMBER XXXX  
FOR  
PORT OF LOS ANGELES  
BERTHS 238-239 IMPROVEMENTS PROJECT  
(FILE NUMBER 19-039)**

**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 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	milligram per liter (mg/l)	A to D	Weekly
Light transmittance	% Transmittance	A to D	Weekly
pH	pH units	A to D	Weekly

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Suspended solids	mg/l	A to D	Weekly
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- Measurements of Dissolved oxygen, Light transmittance and pH shall be taken throughout the water column (at a minimum, at 2-meter increments).
- Weekly includes during the first two weeks of dredging, stations shall be sampled two times per week.
- For suspended solids, mid-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.

All monitoring reports should be submitted electronically to the Regional Water Board via the following email address: [losangeles@waterboards.ca.gov](mailto: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.



DRAFT Monitoring and Reporting Program Number ~~8246~~  
Port of Los Angeles  
Marine Oil Terminal Improvements, Berths 238-239

Order Number R4-2020-XXXX

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: February 13, 2020