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

ORDER NO. R4-2018-xxxx

WASTE DISCHARGE REQUIREMENTS FOR PORT OF LOS ANGELES (FIVE-YEAR MAINTENANCE DREDGING) (FILE NO. 16-135)

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

- Pursuant to California Water Code (Water Code) section 13260, the Port of Los Angeles (POLA) filed a report of waste discharge seeking issuance of Waste Discharge Requirements to perform maintenance dredging activities at various locations within Los Angeles Harbor (Figure 1). The buildup of sediment at these locations necessitates dredging to restore design depths at several sites. On occasion, some of the work may involve maintenance of existing protected rock slopes along channels and under wharves.
- 2. POLA proposes to dredge a maximum of 150,000 cubic yards per calendar year for a total maximum volume of 750,000 cubic yards over a five-year period from all the berth areas in the Los Angeles Harbor that may require maintenance dredging and/or sidecasting operations in the future (Figure 1).

Dredging will be accomplished by means of sidecasting, barge mounted clamshell dredge, and/or bucket from the shore or wharf. The disposal option will be dictated by the quality of the dredged material as indicated by a sediment characterization study and/or bioassay testing and will be determined by the Southern California Dredged Material Management Team (SCDMMT), which includes (but is not limited to) the Regional Board, the California Coastal Commission, the USEPA and the United States Army Corps of Engineers (USACE). A sediment characterization study typically consists of sediment sample collection, grain size analysis, chemical analysis (including sediment chemistry, tissue chemistry and elutriate testing) and biological testing (including solid and suspended particulate phase toxicity testing, and bioaccumulation potential analysis) as outlined in regulatory guidance documents, such as Evaluation of Dredged Material Proposed for Ocean Disposal, also known as the "Green Book" (USEPA and USACE, 1991) and the Inland Testing Manual (USEPA and USACE, 1998). However, the requirements for specific analysis or testing are usually driven by the proposed disposal option. For example, biological testing is normally required when the dredged material is proposed to be disposed of at an ocean disposal site, a August 22October 2, 2018

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temporary aquatic storage site, or a confined aquatic disposal (CAD) site. If the dredged material is deemed suitable for ocean disposal, the material will be disposed of at the offshore LA-2 ocean disposal site (Figure 2). The LA-2 ocean disposal site is a USEPA designated site that is currently managed at an annual disposal capacity of 1 million cubic yards for the ocean disposal of dredged material from the Los Angeles County and Orange County regions. The site is located approximately 6.8 miles offshore from the entrance to the Port of Los Angeles in federal waters. If the dredged material is deemed unsuitable for ocean disposal, the material will be disposed of within the Berths 243-245 Confined Disposal Facility (CDF) located within Los Angeles Harbor (Figure 2), or at another suitable land disposal site deemed appropriate by the SCDMMT with written approval from the Executive Officer of the Regional Board. Maintenance dredge material in the Los Angeles Harbor are typically composed of fine silts and clays, with generally no more than 25% sand. However, should testing indicate that the dredged material is composed of at least 80% sand and deemed suitable to beach nourishment, the material will be disposed of at Outer Cabrillo Beach (Figure 2) it will be considered as another disposal option.

POLA will conduct a sediment characterization study prior to proposed maintenance dredging operations for evaluation of the suitability of the material for beneficial re-use and selection of a suitable disposal alternative. A Sampling and Analysis Plan (SAP) for each sediment characterization study will be submitted to the SCDMMT for approval. A Sampling and Analysis Report (SAR) for each sediment characterization study will be presented to and discussed at the SCDMMT monthly meetings, where the disposal options of the dredged material will be determined. POLA shall submit all documents to the Regional Board for staff review and written approval from the Executive Officer for each proposed dredging and disposal project.

3. POLA has also proposed proposes to use "knockdown" dredging to supplement routine maintenance dredging the use of a drag beam or similar equipment to level or "knock down" high spots in the vicinity of berthing areas. Within the port, there are often times when the prop wash from the large propellers of commercial vessels creates isolated high spots near the berths. These localized high spots usually consist of less than one to two feet of accumulated sediment, often very close to the edge of the wharf and spread over a wide area. To address these localized high spots, "knockdown" dredging is a commonly used. It involves the leveling or spreading of shoaled or mounded material to maintain waterway depths, rather than the direct removal of material from the waterway. This activity typically involves employing an I-beam or other similar equipment which is towed by a boat across a shoal or mound in order to redistribute the sediment into adjacent deeper areas within the project area. This equipment. The option to utilize "knockdown" dredging or grading of underwater shoals to supplement routine maintenance dredging activities would provide POLA with a more

efficient, cost-effective means to deal with localized shoaling events while maintaining the safe navigation and berthing of vessels.

In addition to using a drag beam – an I-beam, rake, cutting edge, or similar fixed object, the POLA is also proposing another "knockdown" dredging technique using clamshell bucket or excavator to sweep the bottom surface to knock down high spots. This method would be used to remove high spots near piles or other wharf structures where the use of a drag beam is not feasible. A clamshell bucket, excavator or similar equipment also may be used to collect and move shoaled material near the bottom (without lifting out of the water column) for placement in a lower nearby area within the approved project boundary.

Small knockdowns can reduce the need for and frequency of maintenance dredging, and may have fewer environmental effects than traditional dredging (less turbidity is produced by knockdowns, since sediments remain localized near the bottom, rather than being raised through the water column and removed at the surface as is the case with dredging, which can generate large turbidity plumes). In addition, since the knockdown process simply redistributes shoaled or mounded material within the normal dredging footprint of a berth, the material would be removed in the future when full dredging is required.

In addition to using a drag beam – an I-beam, rake, cutting edge, or similar fixed object, the POLA is also proposing another knockdown dredging technique using clamshell bucket or excavator to "sweep" the bottom to knock down high spots. This method would be used to remove high spots near piles or other wharf structures where the use of a drag beam is not feasible. A clamshell bucket, excavator or similar equipment also may be used to collect and move shoaled material near the bottom (without lifting out of the water column) for placement in a lower nearby area within the approved project boundary.

POLA will also conduct a pre-knockdown study prior to each knockdown dredging operation to assess the potential impacts of knockdown dredging on water quality. A SAP for each pre-knockdown study will be submitted to the SCDMMT for approval. For each pre-knockdown study, POLA proposes to collect one sample per 500 linear feet of knockdown area along a wharf face and per 250 feet offshore. Elutriate testing will be performed for each sample. A SAR for each pre-knockdown study will also be presented to and discussed at the SCDMMT monthly meetings, where the scope of the knockdown operation will be approved. No receiving water monitoring will be required during knockdown dredging since the limited magnitude (less than 2000 cubic yards) and short duration of the activity is not expected to produce adverse water quality impacts. POLA has proposed several criteria and guidelines that must be met to utilize "knockdown" dredging: 1) limited to a maximum of 15,000 cubic yards of material per year; 2) total volume for each event limited to a maximum of 2,000 cubic yards; and 3) cannot be performed in the same area more than once per year; -POLA shall submit all documents to the Regional Board for staff review and written approval from the Executive Officer for each proposed knockdown dredging project. 4) limited to the approved project boundary for the designated berth or channel as determined by the SCDMMT and subject to written approval from the Executive Officer of the Los Angeles Regional Board; and 5) sediment and elutriate testing will be performed prior to each project. No receiving water monitoring will be required during knockdown dredging, since the limited magnitude and short duration of the activity is not expected to produce adverse water quality impacts.

POLA will conduct a sediment characterization study (physical and chemical analyses of sediments) prior to proposed maintenance dredging operations for evaluation of the suitability of the material for beneficial re-use and selection of a suitable disposal alternative. Sampling and analysis plans will be submitted to the SCDMMT for approval. POLA also will prepare the appropriate document (e.g., categorical exemption) to demonstrate compliance with the requirements of the California Environmental Quality Act (CEQA). POLA shall submit all documents to the Regional Board for staff review and written approval from the Executive Officer for each proposed dredging and disposal project.

POLA also will conduct a sediment characterization study (physical and chemical analyses) prior to conducting a knockdown operation in a given berthing area. For knockdown operations, POLA proposes to collect and analyze one sample per 500 linear feet of knockdown area along a wharf face and per 250 feet offshore.

2. POLA proposes to dredge a maximum of 150,000 cubic yards per calendar year for a total maximum volume of 750,000 cubic yards over a five-year period. POLA has identified all the berth areas in the Los Angeles Harbor that may require maintenance dredging and/or sidecasting operations in the future (Figure 1).

APPLICABLE PLANS, POLICIES AND REGULATIONS

- 3.4. The following plans, policies and regulations apply to the discharges authorized by this Order to protect waters of the state.
- 4.5. Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Basin Plan) On June 13, 1994, the Regional Board adopted a revised Basin Plan. The Basin Plan: (i) designates beneficial uses for surface and groundwater, (ii) establishes narrative and numeric water quality objectives that must be attained or maintained to protect the designated beneficial uses, and (iii) sets forth implementation programs to protect the beneficial uses of the waters of the state. The

Basin Plan also incorporates State Water Board Resolution 68-16, Anti-degradation Policy. The Basin Plan has been amended occasionally since 1994. In accordance with Water Code section 13263, this Order implements the plans, policies and provisions of the Regional Board's Basin Plan.

The beneficial uses of the Los Angeles-Long Beach inner harbor and marina waters are: industrial service supply, navigation, water contact recreation (potential use), noncontact water recreation, commercial and sport fishing, marine habitat, preservation of rare and endangered species, and shellfish harvesting (potential use). The beneficial uses of the outer harbor waters are: navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare and endangered species, and shellfish harvesting (potential use).

5.6. State Water Board Resolution No. 68-16 "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (also called the "Anti-degradation Policy") requires the Regional Board, in regulating the discharge of waste, to maintain the high quality of waters of the state until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the State, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in the State Water Board's policies (e.g., quality that exceeds water quality objectives). Further, any activity that produces waste must meet waste discharge requirements that will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest quality consistent with maximum benefit to the people of the State will be maintained.

Consistent with Resolution 68-16, this Order requires best practicable treatment or control of the discharge to assure that pollution will not occur. With proper management of the dredging, sidecasting and disposal operations, in compliance with this Order, the project is not expected to adversely impact beneficial uses.

6.7. The City of Los Angeles, as the lead agency carrying out the project, will be responsible for environmental review under, and documentation of its compliance with, the California Environmental Quality Act (CEQA), including notification to responsible agencies. The Regional Board is a responsible agency under CEQA and will participate in the environmental evaluation of each proposed maintenance project. Impacts on water quality will be evaluated during the required pre-dredge sediment and elutriate testing, and compliance with the Monitoring and Reporting Program contained within this Order will further ensure that no significant water quality impacts occur during dredging operations. The City of Los Angeles issued a Notice of Exemption (categorical exemption pursuant to CEQA Guidelines §15304(g)) for the 5-year Maintenance Dredging Project on August 22, 2018.

8. The USACE issued Permit No. SPL-2016-00708-TS to POLA for maintenance dredging at existing berths and public marinas in the Port of Los Angeles pursuant to section 404 of the Clean Water Act. This Order provides certification pursuant to section 401 of the Clean Water Act.

The Regional Board has notified POLA and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit written comments and make oral comments at a public meeting.

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

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, title 23, Sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and the regulations that are applicable to the filing of petitions may be found on the Internet at: http://www.waterboards.ca.gov/pulbic notices/petitions/water guality or will be provided upon request

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

A. Pre-Dredging Requirements

- 1. A draft Sampling and Analysis Plan (SAP) for each maintenance dredging or knockdown dredging project shall be submitted for review and approval by the SCDMMT. An SAP for knockdown dredging shall be submitted for review and approval by the Regional Board.
- 2. Upon approval of the SAP and per the "Green Book" (USEPA and USACE, 1991) and Evaluation of Dredged Material Proposed for Disposal at Island, Nearshore, or Upland Confined Disposal Facilities Testing (USACE 2003), a sediment characterization study applicable to the proposed disposal options or a pre-knockdown study shall be conducted. A Sampling and Analysis Report (SAR) of the sediment characterization study or the preknockdown study shall be submitted to the SCDMMT. After reviewing the SAR of the sediment characterization study or the pre-knockdown study,

the SCDMMT will make recommendations for the disposal options or approve the scope of the knockdown dredging.

3. A map delineating the project boundaries for both maintenance and knockdown dredging as well as the monitoring locations for maintenance dredging, shall be submitted to the Regional Water Board for review and approved by the Executive Office of the Regional Water Board before dredging operations can commence.

AB. Discharge Requirements

- 1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses, in particular those identified in Finding number 5 above.
- 2. Enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.
- 3. The natural taste and odor of fish, shellfish or other enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.
- 4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.
- 5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.
- 6. The Port shall conduct the monitoring required and comply with the reporting requirements outlined in the attached Monitoring and Reporting Program, which is incorporated by reference as part of these Waste Discharge Requirements.
- 7. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:
 - a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.

- b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.
- c. Discoloration outside the immediate area of operation.
- d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.
- e. Objectionable odors emanating from the water surface.
- f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the immediate area of operation.
- g. Any condition of pollution or nuisance.

BC. Provisions

- 1. This Order authorizes dredging, sidecasting and disposal of a maximum volume of 150,000 cubic yards of sediment per year, as proposed by POLA. POLA shall submit sediment characterization studies and environmental documentation to the Regional Board for staff review and written approval from the Executive Officer for each specific maintenance dredging project.
- 2. POLA shall manage the Berths 243-245 CDF and other designated disposal sites to effectively contain chemically contaminated materials and to prevent migration of wastes from the disposal sites into waters of the State. POLA shall apply for written approval from the Executive Officer of the Regional Board prior to disposal of dredged material at a suitable land disposal site other than the Berths 243-245 CDF.
- 3. POLA shall notify the Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials; written confirmation by the Port to the Regional Board shall follow within one week.
- 4. A copy of this Order shall be made available at all times to project construction personnel.
- 5. POLA shall provide the following information to the Regional 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.
- 6. POLA shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with the Monitoring and Reporting Program.
- 7. 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.
- 8. This Order does 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.
- 9. In accordance with Water Code section 13263(g), this Order shall not create a vested right to continue to discharge and is subject to rescission or modification. All discharges of waste into waters of the State are privileges, not rights.
- 10. This Order includes Attachment N: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions") and the attached Monitoring and Reporting Program, both of which are incorporated herein by reference. If there is any conflict between the provisions in this Order and the "Standard Provisions", the provisions in this Order prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and the "Standard Provisions", the requirements in the Monitoring and Reporting Program and the "Standard Provisions", the requirements in the Monitoring and Reporting Program shall prevail.
- 11. This Order fulfills the requirements for a Clean Water Act Section 401 Water Quality Certification for the proposed project. Pursuant to section 3860, Title 23, 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.
- 12. This Order shall expire on October 31, 2023.

I, Deborah J. Smith, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on October 11, 2018.

DEBORAH J. SMITH Executive Officer

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Port of Los Angeles Five-Year Maintenance Dredging



Figure 1. Locations of Berths within Los Angeles Harbor.

Port of Los Angeles Five-Year Maintenance Dredging



Figure 2. Proposed Disposal Locations.