

**Response to Waste Discharge Requirements (WDRs) for  
Port of Los Angeles Five-Year Maintenance Dredging  
Comment Deadline: September 21, 2018**

No.	Comments	Response	Action Taken
<b>Heal the Bay, September 21, 2018</b>			
1.1	<p>We appreciate the efforts shown in the Tentative WDR to properly dispose of contaminated dredge material, to repurpose uncontaminated dredge material for beneficial reuse, and to minimize the distribution of potentially contaminated dredging material through the water column during maintenance dredging activities. However, we do have some concerns after a thorough review of these documents, and we have identified opportunities to strengthen the Tentative WDR in order to fully protect the beneficial uses of the Los Angeles Harbor including industrial service supply, navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare and endangered species and shellfish harvesting. Our recommendations to strengthen the Tentative WDR are discussed in further details below.</p>	<p>The Los Angeles Regional Water Quality Control Board (Regional Board) appreciates the comments made by Heal the Bay regarding the Tentative Waste Discharge Requirements (WDRs) for the Port of Los Angeles (POLA) Five-Year Maintenance Dredging. In addition to responses to Heal the Bay's detailed comments, which are provided below, the following response describes the approval procedures for each of the maintenance dredging events covered by the WDRs.</p> <p>For each maintenance dredging project, POLA will draft a sampling and analysis plan (SAP), which will be presented to and discussed at the Southern California Dredged Material Management Team (SCDMMT) monthly meeting. The following agencies are regular attendees at the monthly SCDMMT meeting: United States Army Corps of Engineers (USACE), USEPA, Regional Water Quality Control Boards (Los Angeles and Santa Ana regions), California Coastal Commission, California Department of Fish and Wildlife, as well as the project agencies and consultants. Upon the approval of the SAP by SCDMMT, a sediment characterization study will be conducted, where sediment samples will be collected and tested based on the SAP approved by the SCDMMT and in accordance with guidelines in the <i>Evaluation of Dredged Material Proposed for Ocean Disposal, also known as the "Green Book"</i> (USEPA and USACE, 1991) and the <i>Evaluation of Dredged Material Proposed for Disposal at Island, Nearshore, or Upland Confined Disposal Facilities Testing</i> (USACE 2003). Tests typically include grain size analysis, chemical analysis (including sediment chemistry, tissue chemistry and elutriate testing) and</p>	<p>Revisions were made to the Order.</p>

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		<p>biological testing (including solid and suspended particulate phase toxicity testing, and bioaccumulation potential analysis). A subsequent sampling and analysis report (SAR) summarizing the results and findings of the sediment characterization study will be drafted by POLA and presented and discussed at the SCDMMT monthly meeting. Depending on the grain size, chemistry, toxicity and bioaccumulation potential of the sediment samples, SCDMMT will make recommendations regarding the disposal options for the dredged material. POLA has identified three disposal options: LA-2 Ocean Dredged Material Disposal Site for uncontaminated dredged material; Berths 243-245 Confined Disposal Facility for contaminated dredged material; and Outer Cabrillo Beach for uncontaminated dredged material having the proper grain size for beach nourishment.</p> <p>For each maintenance dredging project, POLA will also provide a map delineating the project boundary and any changes to the standard monitoring locations defined in the Monitoring and Reporting Program (MRP) as necessary. Changes to monitoring locations are subject to approval by the Executive Officer of the Regional Board. During each maintenance dredging event, receiving water monitoring will be conducted in accordance with the MRP associated with the WDRs.</p> <p>In response to the comments below, the tentative WDRs were modified to include the requirements described above.</p>	
1.2	<p><b>POLA must ensure protection of water quality, marine life and public health within the harbor by testing for sediment toxicity.</b></p> <p>In addition to testing for individual contaminants (trace metals, DDTs, PCBs and PAHs), material should undergo toxicity testing as this will provide a measure of exposure to all pollutants present including non-traditional or unmeasured contaminants. This will ensure identification of contaminated material that requires proper disposal to protect beneficial uses such as</p>	<p>As mentioned in response to comment 1.1, for each maintenance dredging project, POLA will draft a sampling and analysis plan (SAP), which will be subject to approval by the SCDMMT. Upon the approval of the SAP by SCDMMT, a sediment characterization study will be conducted. Biological testing (including solid and suspended particulate phase toxicity testing and bioaccumulation potential analysis) shall be included in the sediment characterization study if the dredged material is proposed to be disposed of at an ocean disposal site, a</p>	<p>Revisions were made to the Order.</p>

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	<p>marine habitat, preservation of rare and endangered species and shellfish harvesting. The State Water Resources Control Board also recognizes potential human health risk resulting from sediment toxicity. Therefore, material should undergo toxicity testing to also protect additional beneficial uses including fishing and other recreation. Dredging material that is determined to be clean will be deposited either at the Outer Cabrillo Beach, or at Disposal Site LA-2, further offshore. Without toxicity testing, disposal of material could potentially allow distribution of toxic sediments to recreational areas, and to previously uncontaminated habitat. We, therefore, request that POLA perform toxicity testing on all dredging material to fully protect human and environmental health.</p>	<p>temporary aquatic storage site or a confined aquatic disposal (CAD) site.</p> <p>Regarding human health risk, it should be clarified that sediment toxicity is a measure of the response of invertebrates exposed to contaminants in sediments and is used in the State's Sediment Quality Objectives to protect benthic communities. The State's Sediment Quality Objectives use a different approach, which relies on a combination of chemical exposure and site linkage indicators, to protect human health.</p>	
1.3	<p><b>POLA must ensure that knockdown dredging does not pose any risk to human or environmental health.</b></p> <p>The POLA proposes to use knockdown dredging operations to level high spots in the vicinity of berthing areas. We understand that knockdown operations are easier to mobilize and cost less than traditional dredging operations, but we have concerns with this method in areas with high concentrations of legacy pollutants (hotspots). How will POLA ensure that knockdown dredging does not cause resuspension of contaminated sediments, most notably legacy pollutants, degrading water quality and impacting beneficial uses? At a minimum, we recommend that knockdown dredging operations not be used around identified hotspot areas in order to avoid resuspension of legacy pollutants.</p> <p>During knockdown dredging operations, the Tentative WDR does not require receiving water monitoring, since the limited magnitude and short duration of the activity is not expected to produce water quality impacts. We would like to see the studies, if any, that have helped the Regional Board come to this</p>	<p>"Knockdown" dredging is a common practice used at ports and harbors throughout the United States. Small knockdowns may have fewer environmental impacts than traditional dredging operations, due to the lower turbidity levels in the water column associated with knockdown operations. For each "knockdown" dredging project, a pre-knockdown study will also be conducted to assess the potential impacts of knockdown dredging on water quality. An SAP for the pre-knockdown study will be submitted to the SCDMMT for approval. A subsequent SAR will also be submitted to and reviewed by the SCDMMT, where the scope of the knockdown operation will be approved. Clarifying text was added to the Order.</p>	<p>Revisions were made to the Order.</p>

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	<p>conclusion. Due to the legacy contamination in areas of the Harbor, we believe that receiving water quality monitoring should occur for all dredging-related activities.</p>		
1.4	<p><b>POLA must ensure protection of water quality within the harbor by minimizing pollutant migration, and eliminating discharge of visible material during maintenance dredging operations, and must take appropriate action if adverse conditions are observed in receiving waters.</b></p> <p>The discharge of any visible material or other pollutant must be immediately addressed by POLA. Section A.7.d. of the Tentative WDR states that dredging, excavation or disposal of dredge spoils shall not cause 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. If visible material is discharged during dredging operations, inside or outside the immediate area of operation, POLA must be responsible for immediate remediation of this material. The “immediate area of operation” must also be clearly defined to minimize migration of pollution and toxicity, including legacy pollutants found in the sediment itself.</p> <p>Within the Monitoring and Reporting Program, it is stated that light transmittance exceedances have been observed in the past but have been attributed to the configuration of the area and lack of tidal circulation, rather than due to dredging operation practices. However, if dredging operations exacerbate these conditions, further degrading water quality, then POLA must take immediate action to remediate the effected harbor waters. If any adverse water quality conditions persist for three consecutive days, in addition to reporting to the proper authorities, POLA should be required to immediately cease</p>	<p>The MRP associated with the WDRs is required for all dredging activities to ensure that the receiving water quality is not impacted by the operations. The MRP has also set the standard provisions for POLA in the event of water column light transmissivity exceedances during maintenance dredging, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Water samples shall be collected at mid-depth (or the depth at which the maximum turbidity occurs) and analyzed for legacy pollutants, including trace metals, DDTs, PCBs and PAHs.</li> <li>2. POLA shall notify the Regional Board, the California Coastal Commission, the USEPA and the United States Army Corps of Engineers within 24 hours following observance of the transmissivity exceedance.</li> <li>3. POLA shall investigate whether the exceedance is due to obvious dredging operational problems and can be corrected easily and quickly.</li> <li>4. If the turbidity problem persists or recurs, POLA shall look for other causes of the problem and evaluate whether additional, more aggressive best management practices (BMPs) are required to eliminate the exceedances. This evaluation shall be performed in consultation with the four regulatory agencies listed above. The regulatory agencies could at that point give directions to POLA to cease dredging operations if exceedances continue and no solution has been found. However, according to Board staff, this has not happened in the past.</li> </ol>	None Necessary.

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	dredging operations until the cause of the adverse effect is identified, and if it is under the purview of POLA, must be addressed before operations resume.		
1.5	<p><b>The Los Angeles Regional Water Quality Control Board (Regional Board) must require consistency and accountability from POLA in their monitoring and reporting of maintenance dredging activities.</b></p> <p>The location for receiving water sample stations A through C are clearly defined in the Tentative WDR; however, station D, the control site, is defined simply as an area not affected by dredging operations. As all four of these sites will change at later dates depending on the project proposed, they must be identified, mapped and approved by the Executive Officer of the Regional Board prior to the start of sampling activities. Observations recorded during receiving water sampling should include any animals present, and a blank section to note any other unusual site conditions. General provisions for receiving water sampling should include requirements for recordation of equipment calibration and maintenance and a chain of custody form to track samples from collection through analysis.</p> <p>Provisions should also be made to ensure that there is accountability, so that there is not too much reliance on POLA for self-regulation. The Regional Board should schedule annual inspections, and encourage community outreach prior to each dredging operations to ensure this accountability. Finally, Regional Board permitting staff should work closely with Regional Board enforcement staff to ensure that all language for the requirements of the Tentative WDR are enforceable.</p>	<p>The receiving water sample locations (Stations A through C) and the control site (Station D) are standard and in accordance with the <i>Los Angeles Regional Contaminated Sediments Task Force: Long-term Management Strategy</i> (2005). As mentioned in response to comments 1.1, for each maintenance dredging project, POLA will also provide a map delineating the project boundary and any changes to the standard monitoring locations defined in the Monitoring and Reporting Program (MRP) as necessary, which needs to be approved by the Executive Officer of the Regional Board. During each maintenance dredging event, receiving water monitoring will be conducted in accordance with the MRP associated with the WDRs.</p> <p>POLA has a long history of compliance with the provisions set in the WDRs and MRP for its dredging operations for maintenance and capital development. The WDRs, including the Standard Provisions and MRP, contain appropriate and adequate requirements to ensure accountability by POLA when conducting its maintenance dredging projects. The monitoring program also requires additional monitoring whenever the baseline monitoring results exceed action triggers (e.g., when excessive turbidity is measured near the dredging operation). Staff from the Watershed Regulatory Section will continue to work with staff from the Compliance &amp; Enforcement Section to make sure that POLA is in compliance with the provisions and requirements set by the Order.</p> <p>Regarding the comment suggesting community outreach about dredging operations to ensure accountability, in the past, representatives from Heal the Bay staff attended the SCDMMT monthly meetings and engaged in the discussion of dredging operations and disposal options for dredged material. Heal the</p>	None Necessary.

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		<p>Bay staff is welcome to participate in that discussion in the future.</p> <p>The provisions of the WDRs are enforceable pursuant to applicable law, including but not limited to Water Code sections 13267, 13268, 13300, 13301, 13304, and 13350.</p>	