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
(BERTHS 226-236 EVERPORT TERMINAL PROJECT)
(FILE NO. 17-077)

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

1. Pursuant to California Water Code (Water Code) section 13260, the Port of Los Angeles (POLA) has filed an application for Waste Discharge Requirements for terminal improvements at Berths 226-236 Everport Terminal in Los Angeles Harbor, Los Angeles County.

2. Berths 226-236 (the site of the Everport Terminal) are located on the Terminal Island within Los Angeles Harbor (Figure 1). The proposed terminal improvements include dredging to deepen the berth, grading and paving of 1.5 acres of backland area of the terminal, installation of electrical infrastructure to accommodate 5 additional cranes, construction of 5 Alternative Maritime Power connections, the installation of a new waterline and wharf repairs.

   Dredging will occur at Berths 226-229 to increase the existing depth of -45 feet Mean Lower Low Water (MLLW) to -53 feet MLLW, plus two feet of over-depth tolerance (for a total of -55 feet MLLW). Dredging will occur at Berths 230-232 to increase the existing depth of -45 feet MLLW to -47 feet MLLW, plus two feet of over-depth tolerance (for a total of -49 feet MLLW). A total of 38,000 cubic yards of material will be dredged: 30,000 cubic yards from Berths 226-229 and 8,000 cubic yards from Berths 230-232.

   Wharf improvements include the installation of king and sheet piles from Berths 226-229 over a linear distance of approximately 1,400 feet and sheet piles from Berths 230-232 over a linear distance of approximately 1,400 feet. The sheet piles will be installed to accommodate the proposed dredging and will serve as a stabilizing feature to the wharf.

   The proposed project also includes the construction of 5 Alternative Maritime Power connections and installation of electrical infrastructure to accommodate larger ships when at berth. Other work includes the installation of a new waterline approximately 2,500 feet long to service the terminal. A series of wharf repairs will take place in order to extend the useful life of the structure and reduce the likelihood of damage and emergency repairs during the present lease term.

3. Approximately 38,000 cubic yards of dredged material will be generated from the proposed project. The Los Angeles Harbor Department (LAHD) proposes to dispose the dredged material at LA-2 (Figure 1), an established ocean disposal site. The LA-2 ocean disposal site is a United States Environmental Protection Agency (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 region. The site is located approximately 6.8 miles offshore from the entrance to the Port of Los Angeles in federal waters. It has a radius of 3000 feet and straddles the continental shelf, margin and upper wall of the San Pedro Sea Valley.

4. To establish the suitability of potential dredged material management/disposal options, an evaluation of the dredged material was performed using a phased approach to analyze chemistry, toxicity and bioaccumulation potential of the sediment samples. For purposes of the evaluation, the dredge footprint of the proposed project was divided into two dredged material management units (DMMUs). DMMU-1 extended from Berths 229-232 and DMMU-2 extended from Berths 226-229 (Figure 2). Multiple sediment cores were collected at 5 sampling sites (B1-B5) within DMMU-2 in October 2014 and composited into a single sediment sample for subsequent analyses. Multiple sediment cores were collected at 5 sampling sites (A1-A5) within DMMU-1 in March 2015 and composited into a single sediment sample for subsequent analyses. LA-2 reference sediments were also sampled when sediment cores were collected in October 2014 and March 2015, respectively. The two composite samples were characterized via grain size analysis and chemical analysis. Sediment toxicity testing was conducted on the two composite samples using the polychaete, *Neanthes arenaceodentata*, and the amphipod, *Ampelisca Abdita*. Bioaccumulation testing was conducted using the polychaete, *Neanthes virens*, and the bivalve, *Macoma nasuta*.

5. Results from grain size analysis of the two composite samples (Table 1) show that the composite sample within DMMU-1 (Berths 229-232) was coarse grained and composed of predominantly sand (79.2%), with 20.8% silt and clay. However, the grain size analysis for each of the individual sediment cores collected within DMMU-1 showed that only one core collected at A-5 contained high sand content (89.3%), which was over-representing the composite sample within DMMU-1. The sediments collected within DMMU-2 (Berths 226-229) were fine-grained and composed of predominantly silt and clay (84.2%), with 15.8% sand. Overall, results from the grain size analysis indicate that the dredge material from this proposed project is composed of predominantly silt and clay, which is not suitable for beach or nearshore nourishment. Results from chemical analysis of the two composite samples (Table 2) show a few effect range low (ERL) exceedances and no exceedance of effect range median (ERM) values.

6. Solid phase toxicity tests showed no toxicity to benthic invertebrates relative to LA-2 reference. Suspended particulate phase toxicity tests also showed no toxicity to water column organism (i.e., calculated LC50 estimates all >100%). Results of bioaccumulation potential tests showed some uptake of polychlorinated biphenyls (PCBs) relative to LA-2 reference, however, steady state adjusted tissue residue concentrations were well below FDA action limits as well as the lowest relevant tissue residue effect levels in the Environmental Residue Effects Database (ERED), indicating no risks to invertebrates, fish or marine mammals. A conservative screening level risk assessment with a worst-case screening level risk estimate also indicated that the likelihood of a complete exposure pathway to humans is an extremely low-probability event,

suggesting that ocean disposal of the dredged material from the proposed project is expected to present little to no risks to humans.

7. Based on the evaluation of grain size, chemistry, toxicity and bioaccumulation potential of the sediment samples, it is recommended that the dredged material be disposed of at the LA-2 ocean disposal site. The U.S. Environmental Protection Agency (USEPA) has approved this dredged material as suitable for ocean disposal.

8. USACE has granted a conditional approval for the Berths 226-236 Everport Container Terminal Improvements project with permit application number SPL-2013-00756-TS. A final permit is expected to be issued after USACE receives the final Waste Discharge Requirements adopted by the Los Angeles Regional Water Quality Control Board.

9. On October 11, 2017, the LAHD's Board of Harbor Commissioners, as the lead agency for the project, certified the Berths 226-236 Everport Terminal Project Environmental Impact Report (EIR) with Resolution Number 17-8180 in compliance with the California Environmental Quality Act (CEQA). The Regional Board is a responsible agency under CEQA and considered the EIR in approving the Waste Discharge Requirements contained in this Order. Impacts on water quality were evaluated in the EIR and found to be less than significant, and mitigation would not be required. However, POLA proposed to implement several Best Management Practices to control runoff of soils and pollutants from construction activities and from potential spills.

APPLICABLE PLANS, POLICIES AND REGULATIONS

10. The following plans, policies and regulations apply to the discharges authorized by this Order to protect waters of the state.

11. 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), non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare, threatened and endangered species, and shellfish harvesting (potential). 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, threatened and endangered species, and shellfish harvesting (potential).

12. 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 water quality consistent with maximum benefit to the people of the State will be maintained.

13. 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 and disposal operations, in compliance with this Order, the project is not expected to release significant levels of wastes to the Harbor waters or other State waters nor adversely impact beneficial uses.

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 regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality 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. 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 11 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. POLA 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 construction project boundary.

   c. Discoloration outside the construction project boundary.

   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 construction project boundary.

   e. Objectionable odors emanating from the water surface.

   f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the construction project boundary.

   g. Any condition of pollution or nuisance.

B. Provisions

1. This Order authorizes excavation and dredging of a maximum volume of 38,000 cubic yards of material from Berths 226-236 (Everport Terminal) and disposal of the dredged material at the LA-2 ocean disposal site.

2. 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 POLA to the Regional Board shall follow within one week.

3. A copy of this Order shall be made available at all times to project construction personnel.

4. POLA shall provide the following information to the Regional Board:

   a. A copy of the final permit issued by the Department of the Army for the dredge and disposal operations.

   b. 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.

   c. Notice of termination of the operation, within one week following the termination date.

5. POLA shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with the Monitoring and Reporting Program.

6. In accordance with Water Code section 13260(c), POLA shall file a report of any material change or proposed change in the character, location, or volume of the waste.

7. This Order does not exempt POLA from compliance with any other laws, regulations, or ordinances which may be applicable. Any further restraint on the disposal of wastes at this site, which may be contained in other statutes or required by other agencies, also remains unaffected.

8. 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.

9. This Order includes Attachment N: "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 hereinbefore prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said “Standard Provisions”, the former shall prevail.

10. This Order fulfills the requirements for a Clean Water Act Section 401 Water Quality Certification for the proposed project. 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.

11. This Order shall expire on July 31, 2021.

I, Samuel Unger, 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 May 10, 2018.

SAMUEL UNGER, P.E.
Executive Officer

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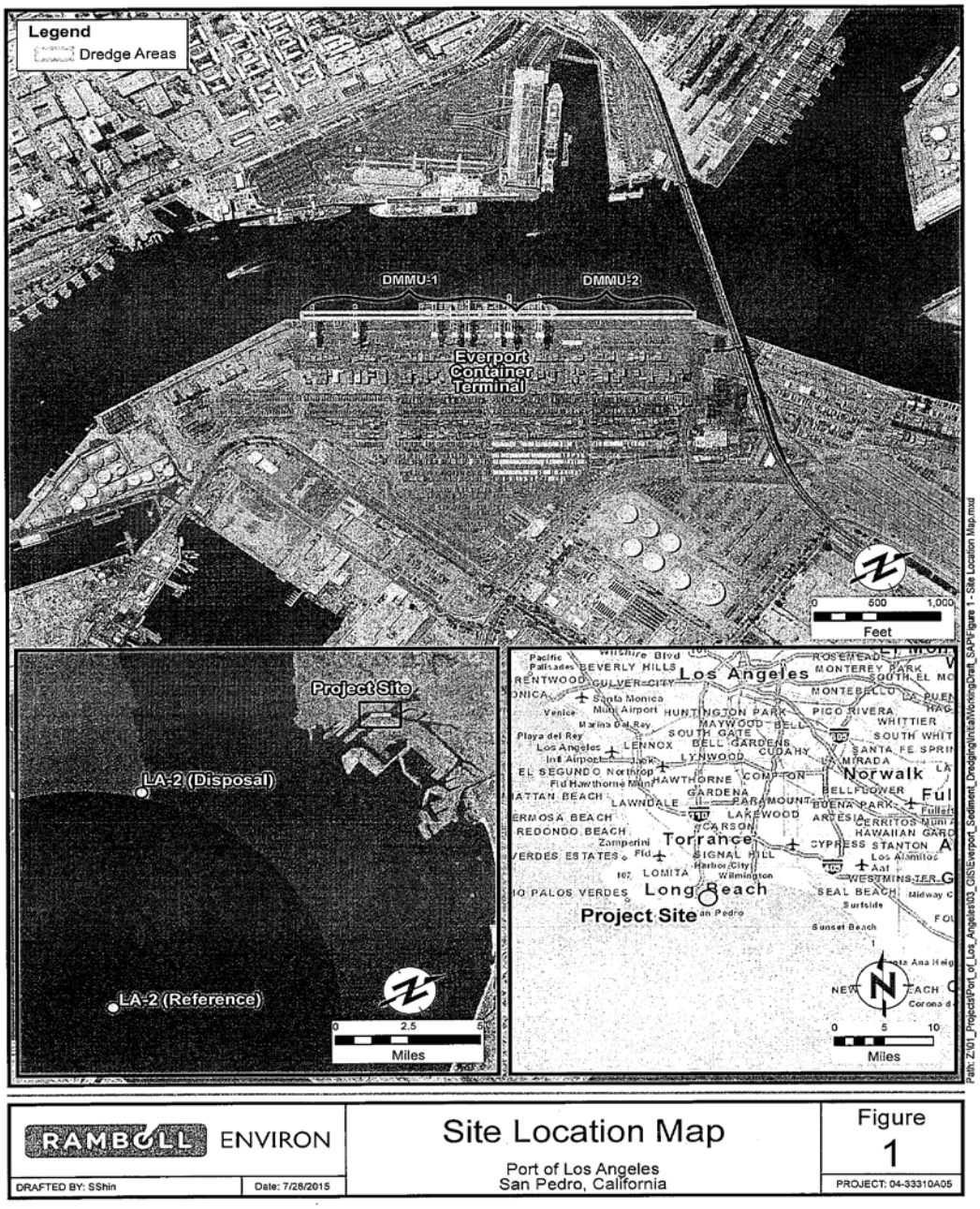

Figure 1. Locations of Proposed Project at the Port of Los Angeles Berths 226-236 Everport Terminal, LA-2 Ocean Disposal Site, and LA-2 Reference Site.

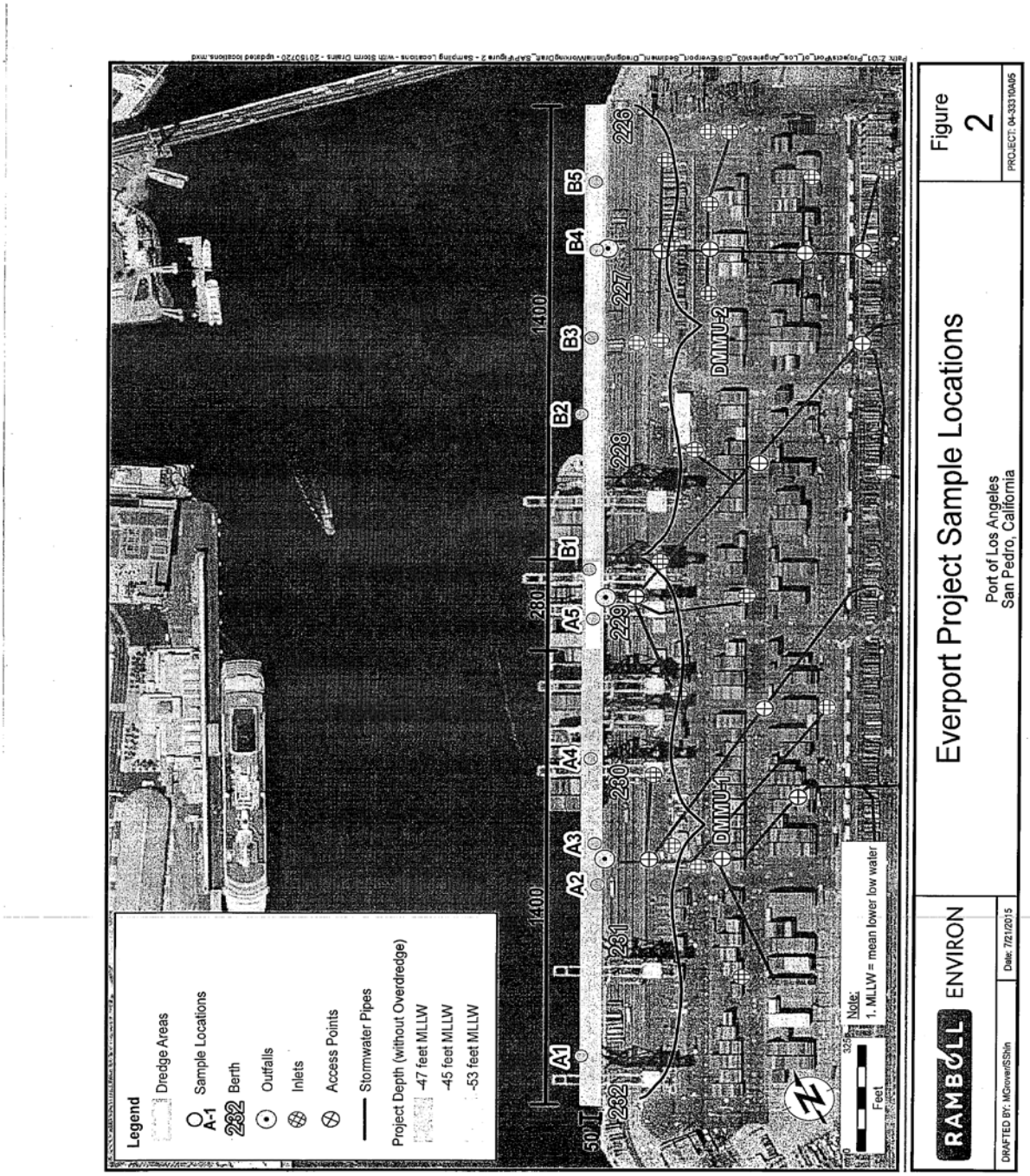

Figure 2. Locations of Sediment Core Collection within Berths 226-236 Everport Terminal.

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Table 1. Results from Grain Size Analysis

Sediment Content	DMMU-1 (Berths 229-232)	DMMU-2 (Berths 226-229)
Sand	79.2%	25.6%
Silt	15.9%	58.6%
Clay	4.9%	15.8%

Table 2. Results from Chemical Analysis

Analyte	DMMU-1 (Berths 229-232)	DMMU-2 (Berths 226-229)	Screening Threshold 1 (ERL)	Screening Threshold 2 (ERM)
Metals (mg/kg)				
Arsenic	7.09	9.83	8.2	70
Cadmium	0.209	0.437	1.2	9.6
Chromium	27.2	39.8	81	370
Copper	54.4	49.4	34	270
Lead	18.7	19.0	46.7	218
Nickel	16.8	29.4	20.9	51.6
Selenium	0.485	0.587	N/A	N/A
Silver	0.0791	0.190	1.0	3.7
Zinc	98.6	108	150	410
Mercury	0.164	0.247	0.15	0.71
Chlorinated Pesticides (µg/kg)				
4,4'-DDE	20	11	2.2	27
Total DDTs	23.3	14.1	1.58	46.1
Semi-Volatile Organics (µg/kg)				
2-Methylnaphthalene	<15	<5.2	70	670
Acenaphthene	<15	<6.8	16	500
Acenaphthylene	17	9.0	44	640
Anthracene	37	23	85.3	1100
Benzo (a) Anthracene	52	20	261	1600
Benzo (a) Pyrene	140	69	430	1600
Chrysene	92	40	384	2800
Dibenz (a,h) Anthracene	28	16	63.4	260
Fluoranthene	96	29	600	5100
Fluorene	<15	<7.4	19	540
Naphthalene	<15	5.8	160	2100
Phenanthrene	33	14	240	1500
Pyrene	99	55	665	2600
Low molecular weight PAH	87	51.8	552	3160
High molecular weight PAH	507	229	1700	9600
Total PAHs	594	280.8	4022	44792
PCBs (µg/kg)				
Total PCBs	47.26	54.36	22.7	180

DDE = dichloro-diphenyl-dichloroethylene; DDT = dichloro-diphenyl-trichloroethane;
PAHs = polycyclic aromatic hydrocarbons; PCBs = polychlorinated biphenyls;
ERL = Effects Range Low; ERM = Effects Range Median

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