

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

ORDER NO. R4-2003-0098

**WASTE DISCHARGE REQUIREMENTS
FOR
PORT OF LONG BEACH
(FIVE-YEAR MAINTENANCE DREDGING)
(FILE NO. 92-11)**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. The Port of Long Beach (the Port) filed an application for renewal of Waste Discharge Requirements contained in Regional Board Order No. 97-117, adopted on August 25, 1997, for maintenance dredging activities within Long Beach Harbor (Figure 1).
2. Order No. 97-117 authorized the Port to dredge approximately 100,000 cubic yards of material over a five-year period to respond to shoaling and sedimentation problems as necessary at various berths in the Inner Harbor, Middle Harbor, Southeast Basin and Outer Harbor. The volume of dredged material could not exceed 20,000 cubic yards per year. Over the past five years, the Port dredged approximately 96,950 cubic yards of sediment.
3. The Port has requested an extension of the waste discharge requirements and proposed increasing the annual volume limit to 40,000 cubic yards per year, for a maximum of 200,000 cubic yards of sediments that could be dredged over the next five years. Past experience has shown that maintenance dredging needs occasionally exceed 10,000 cubic yards per year. Raising the annual limit will provide the Port with greater flexibility to conduct maintenance dredging projects in a timely and cost-effective manner.
4. The Port plans to conduct the appropriate sediment characterization tests (e.g., sediment chemistry analyses, sediment toxicity or bioaccumulation testing) prior to evaluating the suitability of the material for beneficial re-use and selecting a suitable disposal alternative for a given maintenance dredging project. The Port proposes to dispose of sediments in one of the following ways: 1) disposal within a constructed fill within the Port of Long Beach (land disposal site for clean or contaminated sediments); 2) disposal at an upland site within the Port of Long Beach (land disposal site for clean or contaminated sediments); 3) disposal at the Western Anchorage Dredged Material Beneficial Reuse and Disposal Site (aquatic disposal site for clean sediments); or 4) disposal at the LA-2 offshore designated dredged material disposal

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site (aquatic disposal site for clean sediments).

The Port anticipates that the first constructed fill site available for disposal of dredged material would be created within a 52-acre landfill proposed as part of the Pier J South Terminal Development project.

5. The U.S. Army Corps of Engineers (COE) issued a Department of the Army Permit in 1997 for five-year maintenance dredging operations within the Port of Long Beach. The Port has filed an application to extend the maintenance dredging permit for another five-year period.
6. The Regional Board adopted a revised Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties on June 13, 1994. The Water Quality Control Plan contains water quality objectives for Long Beach Harbor. The requirements contained in this Order as they are met will be in conformance with the goals of the Water Quality Control Plan.
7. The beneficial uses of the Long Beach inner harbor 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 Long Beach 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).
8. The Port filed a Notice of Exemption (Categorical Exemption, class 4, 14 CCR section 15304, Minor Alterations to Land) for maintenance dredging operations within Long Beach Harbor on March 28, 2003, pursuant to Public Resources Code section 21000 et seq.
9. With proper management of the dredging and disposal operations, the project is not expected to release significant levels of contaminants to the Harbor waters or other State waters nor adversely impact beneficial uses.
10. Dredging and disposal operations will be accomplished through the use of temporary equipment. The Waste Discharge Requirements imposed below will not result in any significant increase in energy consumption.

The Regional Board has notified the Port 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 their written views and recommendations.

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

IT IS HEREBY ORDERED that the Port of Long Beach, 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 7 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.

B. Provisions

1. The Discharge Requirements specified above are valid only for dredging and disposal of a maximum volume of 40,000 cubic yards of sediment per year and a maximum volume of 200,000 cubic yards of sediment over a five-year period, as proposed by the Port.
2. Prior to disposal of dredged material at a constructed fill site or upland site, other than the Pier J South Terminal Development site, the Port shall request and obtain written approval from the Executive Officer. A request for land disposal at a new site, including appropriate supporting documentation, shall be submitted at least 60 days prior to the anticipated commencement of any dredging or disposal operations.
3. Prior to disposal of dredged material at the Port's Western Anchorage Dredged Material Beneficial Re-Use and Disposal Site, the Port shall request and obtain written approval from the Executive Officer. A request for aquatic disposal at this site, including appropriate supporting documentation, shall be submitted at least 60 days prior to the anticipated commencement of any dredging or disposal operations.
4. Prior to disposal of dredged material at the LA-2 offshore disposal site, the Port shall obtain written approval from the United States Environmental Protection Agency. A copy of this written approval, as well as any chemical,

bioassay and bioaccumulation test data obtained, shall be submitted to the Regional Board at least 30 days prior to commencement of any dredging or disposal operations.

5. The Port 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.
6. A copy of this Order shall be made available at all times to project construction personnel.
7. The Port 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.
8. The Port shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with specifications prepared by the Executive Officer.
9. In accordance with section 13260(c) of the Water Code, the Port 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 the Port from compliance with any other laws, regulations, or ordinances which may be applicable: they do not legalize this waste discharge, 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 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.
13. 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.
14. This Order shall expire on June 30, 2008.

15. This Order rescinds the requirements and provisions of Regional Board Order No. 97-117, except for enforcement purposes.

I, Dennis A. Dickerson, 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 July 10, 2003.

DENNIS A. DICKERSON
Executive Officer

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