

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

ORDER NO. R4-2006-0084

REVISION TO
WASTE DISCHARGE REQUIREMENTS
FOR
PORT OF LONG BEACH
(PIERS G/J TERMINAL REDEVELOPMENT PROJECT)
(FILE NO. 01-009)

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

1. The Port of Long Beach (Port) has filed an application for revision of Waste Discharge Requirements for redevelopment of two existing container terminals into a single 315-acre modern terminal at the Piers G/J site. The revised application provides details pertaining to Phase II of the project. The proposed project is divided into four phases of development which will occur over several years: 1) Phase I, which has been completed, included development of 12 acres with a new 10-acre landfill and construction of a 1300-linear foot pile-supported wharf; 2) Phase II would develop 96 acres of existing land and construct a 1343-foot wide pile supported marginal concrete wharf and construct a rock closure dike consisting of approximately 142 linear feet of rock dike revetment; 3) Phase III would develop 113 acres, including a new 38-acre landfill, and construct a 800-linear foot pile-supported concrete wharf; and 4) Phase IV would develop 94 acres, including a new 4-acre landfill, and construct a 1000-linear foot pile-supported concrete wharf. It is anticipated that additional revisions will be required in the future as the details of Phases III and IV are finalized.
2. As part of the Phase II development, the Port proposes to dredge less than 1,000 cubic yards of material to be removed to create a keyway for the base of the rock dike. The dredged material will be placed within an adjacent rock dike fill area. Rock dike construction will include placement of approximately 45,500 neat-line cubic yards of rock fill and revetment.
3. The Port has not tested the sediments to be dredged from the Southeast Basin area, although sediments from nearby areas within Southeast Basin have been tested in the past. The southeast Basin is devoted entirely to marine terminals, without any manufacturing activities taking place on adjacent lands. The Port performed testing of sediments from the Berths J245-247 Deepening Project in 1997 to determine suitability for ocean disposal. That testing indicated that the sediments had low levels of pollutant contamination and showed no toxicity or bioaccumulation effects to marine organisms. In 1985, the Port conducted similar testing of sediments at Berths J244-J243, which revealed low levels of sediment contamination and no toxicity or bioaccumulation effects. Given the fact that only a small volume of sediments would be dredged during Phase II and this material would be confined within an engineered fill for disposal, no additional sediment testing was proposed.

October 10, 2006

4. The Regional Board adopted a revised Water Quality Control Plan for the Los Angeles River Basin on June 13, 1994. The Water Quality Control Plan contains water quality objectives for the Los Angeles-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.
5. The beneficial uses of the inner harbor waters are: industrial service supply, navigation, water contact recreation (potential use), non-contact 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).
6. The Port of Long Beach adopted a final Environmental Impact Report for the Piers G and J Terminal Development project in September 2000, pursuant to Public Resources Code Section 21000, et seq.
7. The Port of Long Beach has received Permit Number 2001-00395-AOA from the United States Army Corps of Engineers which covers all four phases of the Piers G/J Terminal Redevelopment Project.
8. 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.

The Board has notified the discharger 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 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.

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. 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 above specifications are valid only for dredging and disposal of bottom material as proposed.

2. The discharger shall notify this Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials; written confirmation shall follow within one week.
3. A copy of this Order shall be made available at all times to project construction personnel.
4. The discharger shall provide the following information to the 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.
5. The discharger shall submit, under penalty of perjury, technical reports to the Board in accordance with specifications prepared by the Executive Officer.
6. In accordance with section 13260(c) of the Water Code, the discharger shall file a report of any material change or proposed change in the character, location, or volume of the waste.
7. These requirements do not exempt the discharger 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.
8. In accordance with Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge. All discharges of waste into waters of the State are privileges, not rights, and are subject to rescission or modification.
9. This Order includes Attachment N: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions"). If there is any conflict between provisions stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore 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:

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- 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. certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the applicant.
11. This Order rescinds the requirements and provisions of Regional Board Order No. 01-042, except for enforcement purposes.
 12. This order shall expire on December 31, 2008.

I, Jonathan S. Bishop, 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 November 9, 2006.



JONATHAN S. BISHOP
Executive Officer

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