

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2004-0061-001

WASTE DISCHARGE REQUIREMENTS  
GENERAL ORDER

FOR  
UNITED STATES ARMY CORPS OF ENGINEERS,  
DEPARTMENT OF WATER RESOURCES AND  
THE PORT OF STOCKTON  
STOCKTON DEEP WATER SHIP CHANNEL MAINTENANCE DREDGING  
ACTIVITIES FROM CHANNEL MILE 4.4 TO MILE 41.0  
CONTRA COSTA, SACRAMENTO AND SAN JOAQUIN COUNTIES

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. The U.S. Army Corps of Engineers, Department of Water Resources, and the Port of Stockton, hereafter jointly referred to as Discharger, have been performing annual maintenance dredging of the Stockton Deep Water Ship Channel (Channel) under General Order Waste Discharge Requirements (WDR) Order Number R5-2003-0145.
2. The Discharger submitted a Report of Waste Discharge (RWD) on 24 October 2003. The Discharger has requested that the Order be updated to include expansion of two dredge material disposal sites on Sherman Island.
3. Order No. R5-2003-0145 is neither adequate nor consistent with current plans and policies of the Regional Board. This order updates Order R5-2003-0145 to reflect changes in constituents of concern, constituents on the Clean Water Act 303(d) list of impaired water bodies.
4. The maintenance dredging activities regulated in this Order include disposal or discharge of dredged sediments into diked disposal sites on land (Dredged Material Disposal sites), discharges of effluent from the Dredged Material Disposal (DMD) sites into surface water, pre-dredge sampling, and water quality monitoring during dredging operations.
5. Under this General Order WDR, maintenance dredging is defined as maintenance of the Channel to a 35-foot depth (plus two-foot allowable overdredge) for navigation of ship traffic to the Port of Stockton. Maintenance dredging also includes a section of 40-foot depth (no allowable overdredge) from River Mile (RM) 39.3 to 40.2 to trap sediments from the San Joaquin River. The average width of the ship channel is 330 feet. The ship channel varies in width from 200

- feet to 600 feet, except in the turning basin where it is 970 feet wide. This Order is for maintenance dredging activities from the turning basin in the Port of Stockton at channel mile 41.0, to the western boundary of the Central Valley Region near Antioch (approximately mile 4.4 of the San Joaquin River's Deep Water Ship Channel). See Attachment "A", incorporated herein and made part of this Order.
6. When the Discharger decides that maintenance dredging activities are needed in a specific reach of the Stockton Deep Water Ship Channel, the Discharger must file a separate Notice of Intent and submit a filing fee to the Regional Board for each proposed maintenance dredging project to be eligible for coverage under this Order. The minimum contents of the Notice of Intent are detailed in Attachment "B", Application Requirements, incorporated herein and made part of this Order.
  7. The removal or excavation, transport and placement of dredge sediments are the primary components of the dredging process. Discharges from dredging operations may contain suspended solids, turbidity, oxygen-depleting compounds, and increased metal concentrations, which impact water quality near the dredging site. The dredging operations primarily involve the use of a pipeline hydraulic suction dredge or a sealed clamshell bucket dredge for maintaining needed depth for navigational access.
  8. Clamshell dredging may be used in limited cases where access is restricted or debris is too large for hydraulic dredging. The lifting action created by bucket being pulled up from the channel bottom may suspend sediment and increase turbidity throughout the water column depending on the physical characteristics of the sediment (grain size, compaction) and characteristics of the water body (depth, amount of flow, tidal influences, existing water quality).
  9. Hydraulic dredging typically uses a cutter-head suction dredge that cuts into the sediment with a rotary cutting tool and suctions the dredge material out through a pipe. Sediment can be suspended in the water if entrainment of the dislodged sediments is incomplete.
  10. The material removed by the hydraulic dredge is pumped as slurry that consist of approximately 10 to 20 percent solids, which is usually delivered to a DMD sites via pipeline for settling and disposal. The maximum distance that slurry can be transported via a pipeline is approximately three miles. If longer distances are required, the slurry can be pumped to a barge and offloaded hydraulically at the DMD site. The location of the DMD sites is shown on Attachment A.
  11. Many chemical constituents are lipophilic and will preferentially sorb or attach to organically enriched or fine particles of sediment. Therefore, sediment contaminants may correlate with measured physical properties such as grain size

and total organic carbon. Water column effects from dredging may occur when contaminants on the sediment particles are either dissolved or resuspended in the water column. Dredging operations may cause some degradation temporarily to surface waters as concentrations of turbidity, total suspended solids, and other wastes may increase and dissolved oxygen decrease as bottom sediments are disturbed in the excavation process. In order to determine if the dredging activities have an impact to the surface waters, receiving water monitoring is appropriate.

12. In the DMD sites, solids settle out and the “effluent” or “return water” is often discharged back into the adjacent surface water by a pump, weir or outfall pipe. The DMD sites are designed to remove a significant portion of suspended material from the effluent, with the maximum allowable Total Suspended Solids (TSS) to be defined in an approved Operation Plan for each disposal site. The disposal site will be designed and operated with guidance provided by the U.S. Army Corps of Engineers guidance document “Confined Disposal of Dredged Material”. The details of the DMD sites covered under this permit, including capacity, location, property owner, discharge location and receiving water body can be found in Attachment “C”, incorporated herein and made part of this Order. In addition to DMD sites listed in Table1, this Order authorizes the direct beneficial reuse of dredged material to sites identified and approved by the Regional Board.

**Table 1: Approved Dredge Material Disposal Sites**

<b>Site</b>	<b>Owner</b>	<b>Location</b>	<b>Discharge to Water Body</b>
Stockton	Port of Stockton	Adjacent to San Joaquin River near Port	San Joaquin River, upstream from Channel RM 40-41
Roberts Is. 1	Port of Stockton	Roberts Island RM 36.5	San Joaquin River (Stockton Channel RM 36.5)
Roberts Is. 2	Port of Stockton	Roberts Island RM 34.5	San Joaquin River (Stockton Channel RM 34.5)
Spud Is.	Port of Stockton	Spud Island RM 31.5	San Joaquin River (Stockton Channel RM 31.5)
Bradford Is.	Port of Stockton	Bradford Island	San Joaquin River (Stockton Channel RM 14.0)
Sherman Is. (Scour Pond I)	Department of Water Resources	Sherman Island	San Joaquin River (Stockton Channel RM 8.0)
Sherman Is. (McCormack Pit)	Department of Water Resources	Sherman Island	San Joaquin River (Stockton Channel RM 11.0)

13. The estimated rate of effluent discharge during a typical dredging operation are as follows:
  - a. Effluent Average Daily Flow (into receiving water): 9 mgd
  - b. Effluent Maximum Daily Flow (into receiving water): 10 mgd
14. The DMD sites will fully contain dredged material and prevent any surface runoff or erosion into waters of the state, unless specifically allowed in the NOA. This Order allows surface runoff from the DMD site if the approved site operation plan has provisions for erosion control and monitoring.
15. Berms can fail, typically, from a lack of maintenance or overtopping due to wave action. This Order requires a minimum pond freeboard of two feet be maintained to prevent overtopping.
16. Many areas of the Delta consist largely of peat soil formations that may become unstable when loads are placed on them. The RWD indicates that peat soils underlie several of the DMD site. Since the DMD sites are used for the containment of water and dredged materials, there is a potential for subsidence. In order to prevent berm failure, monitoring of the DMD berms for seepage and other evidence of potential berm failure is appropriate. Repair and maintenance of the DMD berms will be performed under the supervision of a registered engineer.
17. A poorly maintained and operated DMD site may allow short-circuiting of the slurry within the settling pond(s) to occur. Short-circuiting reduces the retention time and may allow waste to be discharged with the return water. In addition, the DMD site may be hydraulically overloaded if the slurry discharge rate exceeds the disposal site's capacity.
18. Order No. R5-2003-0145 required the Discharge to submit an Operation Plan, which described site operations and procedures to be followed before, during, and after maintenance dredging sediment disposal for each DMD site. The Discharger failed to comply with the Order and did not submit the Operation Plan. Therefore, prohibiting the discharge to the DMD sites until an Operation Plan which has been approved by the Executive Officer is appropriate.
19. Reduced, anaerobic conditions found in the sediments favor sulfide generation that generally makes metals biologically unavailable. Dredging operations expose the sediment/materials to oxygenated water and aerobic conditions that can oxidize the sulfide precipitates to sulfate salts resulting in an increase in acidity. The oxidation process continues as the sediments dry in the DMD, which results in further acid production. As the acidity increases, the pH lowers, which generally makes various metals more soluble, bio-available, and toxic. In order to

maintain a neutral pH condition in the dredged materials, soil amendments, such as lime, can be added to the dewatered dredged materials to compensate for the acid generation.

20. After dewatering the dredge material may be reused for levee maintenance and improvement projects. If the size of the projects disturbs more than one acre of land, the discharger is required to obtain a NPDES General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 99-28-DWQ for the clearing, grading, disturbances to the ground, such as stockpiling, or excavation. Some reuse options may be restricted in the Notice of Applicability, depending on the quality of the sediment.

#### **SITE CONDITIONS FOR SHERMAN ISLAND AND BRADFORD ISLAND**

21. Sherman Island is approximately 20 feet below sea level. The island is bounded by the San Joaquin River on the south and the Sacramento River on the north, and is protected by levees. The Discharger proposes to situate two DMD sites, Scour Pond I and McCormack Pit, along the southern boundary of Sherman Island. Scour Pond I and McCormack Pit have historically received dredge materials under Resolution No. 82-036 which waived WDRs for certain types of discharges. The location of the Scour Pond I and McCormack Pit DMD sites are shown on Attachment A.
22. The Discharger has proposed to expand the size and holding capacity of both DMD sites on Sherman Island. The existing Scour Pond I site (Assessor's Parcel No. 158-090-016) is approximately 30 acres. The site will be expanded by the addition of approximately 35 acres to the west and approximately 75 acres to the east making the entire site approximately 140 acres in size. The RWD indicates that the Expanded Scour Pond I site will have a dredge material capacity of approximately 250,000 cubic yards.

The existing McCormack Pit site (Assessor's Parcel No. 158-030-003) is approximately 26 acres. The site will be expanded along the northern boundary by approximately 25 acres making the entire site approximately 51 acres in size. The RWD indicates that the Expanded McCormack Pit site will have a dredge material capacity of approximately 250,000 cubic yards.

Prior to using the two expanded DMD sites, dikes will be constructed to contain the dredge material. After dewatering, the dredge material in Scour Pond I and McCormack Pit may be beneficially reused.

23. Bradford Island is bounded by the San Joaquin River on the north and False River on the south, and is protected by levees. The island will contain a single DMD site along the western boundary. The RWD states that dredge material was last

- placed on Bradford Island in December 1999. The DMD site is approximately 121 acres in size and has an estimated capacity of 435,000 cubic yard.
24. Both islands have systems of reclamation ditches that are used to keep the water beneath the ground surface. Water extracted by the ditches, flows via of gravity to pump stations where it is subsequently discharged to surface waters. The surface of Sherman Island is approximately 20 feet below the surrounding water bodies and would fill with water if the pumping were to cease. If effluent discharges from the DMD sites are necessary, the effluent will be discharged to surface waters via the reclamation ditches.
  25. The Discharger has indicated that stormwater collected during the wet season will be retained on the DMD sites and subsequently will be disposed of through evaporation and percolation. However, the RWD did not contain a water balance for the DMD sites to demonstrate that the DMD sites have adequate hydraulic capacity. Prior to discharging waste, the Discharger must submit a water balance for each DMD sites that show the site has adequate hydraulic capacity to retain all the flows from seasonal precipitation using a 100-year return period.
  26. The 100-year annual maximum-recorded rainfall is 25.18 inches, based on the gauging station situated in Anitoch for data collected between 1969 and 1988.
  27. Surface water drainage from the DMD sites on Sherman and Bradford Islands is to the San Joaquin River.
  28. The Discharger dug several test pits at the DMD sites on Sherman Island and Bradford Island. The soil logs indicates that peat soils underlie the DMD sites on Sherman Island and Bradford Island at variable depths of between five and ten feet below the surface elevation. In addition, the Discharger conducted soil pH monitoring at the test pits. The pH data indicates that the underlying soil is moderately acidic.
  29. A network of groundwater monitoring wells has been installed at for the Dredge Material Rehandling Project covered by WDRs Order No. 5-01-206. The Dredge Material Rehandling Project is situated adjacent to Scour Pond I. The network of wells may be expanded and/or modified to allow groundwater monitoring of the Scour Pond I site. Groundwater monitoring data indicates that the groundwater elevation ranges from between approximately zero to six feet below the ground surface. WDRs Order No. 5-01-206 requires monitoring to be performed on the water in the reclamation ditch adjacent to the DMD site. A comparison of the electric conductivity (EC) data from the groundwater and the ditch indicates that water in the adjacent reclamation ditch is similar in characteristic to the underlying groundwater and follows seasonal groundwater trends.

30. The underlying groundwater at Sherman Island and Bradford Island is very shallow and may also subject to seasonal variations and tidal influence. Waste characterization for “inert waste” requires that the Discharger use a waste attenuation factor for characterization purposes. Because of the shallow depth of the groundwater, waste attenuation within the unsaturated soil column is limited. Therefore, a waste attenuation factor of one is assigned for the purpose of waste classification. The Discharger shall perform a geological evaluation to determine the actual soil characteristics, depth to groundwater and groundwater quality at the proposed disposal sites. Based on site-specific considerations, the waste attenuation factor may be used with the approval of the Executive Officer.
  
31. On 22 August 2003, in accordance with CEQA (PRC, Section 21000, et seq.), the Reclamation District 341 adopted a Negative Declaration for the DMD sites known as Scour Pond I and McCormack Pit. The document provides for the stockpiling of dredge material at the existing McCormack and Scour Pond I Dredge Material Rehandling Sites. However, the Negative Declaration did not include the expansion areas for the two DMD sites and consequently, a second CEQA determination was performed.  
  
On 24 September 2003, in accordance with CEQA (PRC, Section 21000, et seq.), the Reclamation District 341 adopted a Negative Declaration for the Expansion of Sherman Island Dredge Material Rehandling sites, Scour Pond I and McCormack Pit. The document provides for the discharge, dewatering and stockpiling of dredge material at the McCormack Pit and Scour Pond I Dredge Material Rehandling Sites.
  
32. Dredge material will be derived from ongoing maintenance dredging of the San Joaquin River ship channel conducted by the U.S. Army Corps of Engineers. After dewatering, the dredge material may be used for levee rehabilitation and reinforcement on Sherman Island.
  
33. The CEQA document indicates that a pond is situated within a southern portion of the Scour Pond I. The Discharger reported that the pond is estimated to be three to four feet deep and may be hydraulically connected to the underlying groundwater. The Negative Declaration did not include the area of the pond in the project site map and therefore the pond is not part of the project describe in the CEQA document. Prohibiting the discharge of dredge material to this area of the DMD site is appropriate.
  
34. The U.S. Army Corps of Engineers submitted an Environmental Assessment (EA) and the Clean Water Act Section 404 (b) (1) evaluation, dated 19 September 2003, for the Sherman Island Expanded Scour Pond I Dredge Material Placement Site. The document identifies the pond on the southern boundary of the Scour

- Pond I site, as aquatic habitat for the giant garter snake (*Thamnophis gigas*), a Federal and State listed threatened specie.
35. The EA contains the following mitigation measures for the protection of the giant garter snake and its aquatic habitat:
- Construction activities would be kept to a minimum of 200 feet from the banks of giant garter snake aquatic habitat.
  - The construction area will be surveyed for giant garter snakes 24 hours prior to construction activities by a qualified biologist. Survey of the project area would be repeated if a lapse in construction activity of two weeks or greater occurs. If a giant garter snake is encountered during construction, then activities would cease until appropriate corrective measures have been completed or it has been determined that the snake would not be harmed.
  - Beginning October 2 each year and continuing until dredge material placement activities are completed within the Expanded Scour Pond I DMD site, the site will be periodically monitored by a qualified biologist for giant garter snakes.
36. In order to prevent harm to either the giant garter snake or its aquatic habitat, prohibiting the discharge of dredge material and other related construction activities within a 200-foot buffer zone around the small pond, which is situated on the southern boundary of the Scour Pond I site, is appropriate. In addition, prior to commencing construction activities, the Discharger shall have the Scour Pond I DMD site surveyed for giant garter snake by a qualified biologist. If a giant garter snake is encountered, then all construction activities must cease until corrective measures are taken and the site is resurveyed.
37. The Port of Stockton has filed a Notice of Exemption for the for Bradford Island DMD site in accordance with Title 14, California Code of Regulations, Section 15304 (g).

### **CHARACTERISTICS OF DREDGED MATERIALS**

38. Historically, the Discharger has performed analyses of sediments to be dredged in order to determine the anticipated sediment quality during dredging operations. The sediment constituents and average concentrations found in dredge material in year 2000 maintenance dredging are listed below. Additional testing and lower detection limits will be required for further dredging operations, as described in the attached Monitoring and Reporting Program.



**Table 2: Analytical results from year 2000 sediment testing:**

Constituent	Average Concentration		
	Solid analysis (mg/kg)	DI extraction (µg/l)	Modified elutriate test (µg/l)
Antimony		1.8	ND (<1 ppb)
Arsenic	4.3	2.5	ND (<5 ppb)
Barium		47	83
Chromium			ND (<10 ppb)
Copper	22.8		ND (<5 ppb)
Lead	7.0		ND (<2 ppb)
Mercury	0.049	ND (<0.2 ppb)	0.012
Thallium	0.16	ND (<0.2 ppb)	ND (<0.5 ppb)
Zinc	51.8	91	ND(<10 ppb)
Dioxins/Furans TEQ	1.16 pg/g		

**Polyaromatic Hydrocarbons** (solids analysis in mg/kg)

Phenanthrene	0.007
Anthracene	0.002
Fluoranthene	0.015
Pyrene	0.018
Benzo(a)anthrene	0.007
Benzo(b)fluoranthene	0.010
Benzo(k)fluoranthene	0.008
Benzo(e)pyrene	0.004
Benzo(a)pyrene	0.006
Indeno(1,2,3-cd)pyrene	0.006
Chrysene	0.006
Dibenzo(a,h)anthracene	0.002
Benzo(g,h,i)perylene	0.004
Polychlorinated biphenyls	ND (<0.015 mg/kg)
Organochlorine pesticides	ND

37. This Order requires the Discharger to conduct chemical and physical testing of sediments that are representative of the area to be dredged before each maintenance project. The purpose of pre-dredge sediment analysis is to determine if the dredging operation will result in the disposal of dredged sediments that are characterized by constituent concentrations below the maximum concentrations in Table A.3.

**BASIN PLAN, BENEFICIAL USES, AND REGULATORY CONSIDERATIONS**

38. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (hereafter Basin Plan) designates beneficial uses,

- establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Resources Control Board (State Board). These requirements implement the Basin Plan.
39. The beneficial uses of the Sacramento-San Joaquin Delta are municipal supply; domestic supply; agricultural irrigation; process; service supply; water contact recreation; noncontact water recreation; warm fresh water habitat; cold fresh water habitat; warm water migration; cold water migration; warm water spawning; wildlife habitat; and navigation.
  40. The Delta waterways are listed pursuant to Clean Water Act (CWA) section 303(d) as impaired for chlorpyrifos, DDT, diazinon, Group A pesticides, mercury, unknown toxicity and has recently been listed for pathogens near the Port of Stockton turning basin. A portion of the Delta is listed for electrical conductivity, and low dissolved oxygen causes impairment in the Stockton Deep Water Ship Channel from Channel Point to Disappointment Slough.

Dredging operations in the Stockton Deep Water Ship Channel, which are situated between the Channel Point and Disappointment Slough have the potential to exacerbate the existing low dissolved oxygen impairment in this CWA 303(d) listed water body.
  41. Sediments consist primarily of inorganic materials but may also contain organic material and ammonia. Dredging operations may result in the discharge of ammonia to the receiving water from return flows or released during the excavation of sediment. Furthermore, retention time in the confined disposal area may be insufficient to allow biological processes sufficient time to convert the ammonia to nitrate. The Delta waterways are impaired for unknown toxicity, and ammonia is known to cause toxicity to aquatic organisms. The Basin Plan contains a narrative toxicity objective for surface water, which maintains that all waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, or aquatic life. In order to determine if the discharge is contributing toxicity, toxicity test monitoring is appropriate.
  42. The Stockton Deep Water Ship Channel is subject to tidal influence, seasonal water pumping, discharges from municipal and industrial dischargers and agricultural return flows, which have significant impacts on the amount of water available for dilution, water quality and flow direction in the region.
  43. Designated beneficial uses of ground water are municipal and domestic supply, industrial service and process supplies, and agricultural supply.

44. Section 13267(b) of the California Water Code provides that: *“In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”*

The technical reports required by this Order and the attached “Monitoring and Reporting Program No. R5-2004-0061” are necessary to assure compliance with these waste discharge requirements. The Discharger operates the facility that discharges the waste subject to this Order.

46. USEPA adopted the *National Toxics Rule* (NTR) on 5 February 1993 and the *California Toxics Rule* (CTR) on 18 May 2000. These Rules contain water quality standards applicable to this discharge. The State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters (SIP), Enclosed Bays, and Estuaries of California* (known as the State Implementation Plan) which contains guidance on implementation of the *National Toxics Rule* and the *California Toxics Rule*. The Basin Plan contains the “Policy for Application of Water Quality Objectives” that requires consideration of published standards of other agencies in implementing narrative water quality objectives. The CTR and NTR standards may be incorporated in waste discharge requirements where appropriate to implement the Basin Plans consistent with the Policy for Application of Water Quality Objectives.
47. The Basin Plan numerical and narrative water quality objectives for surface and groundwater within the basin are achieved primarily through the adoption of waste discharge requirements. Narrative water quality objectives are implemented consistent with the Policy for Application of Water Quality Objectives contained in the Basin Plan by establishing numerical limitations based on, among other factors, published standards.
48. The Basin Plan contains a Chemical Constituents water quality objective that, among other objectives, identifies numerical water quality objectives for waters designated as municipal supply. At a minimum water designated for domestic or municipal supply shall not contain concentrations of chemical constituents in

- excess of the California maximum contaminant levels (MCLs) specified in the following provisions of Title 22, California Code of Regulations: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Table 64449-A (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits) of Section 64449. The Basin Plan's incorporation of these provisions by reference is prospective, and includes future changes to the incorporated provisions as the changes take effect. The Basin Plan recognizes that the Regional Board may apply limits more stringent than MCLs to ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses.
49. The Basin Plan contains narrative water quality objectives for chemical constituents, taste and odor, and toxicity. The narrative toxicity objective requires that surface waters and groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in plants or animals. The chemical constituent objective requires that surface water and groundwater shall not contain chemical constituents in concentrations that adversely affect beneficial uses.
  50. CWC Section 13241 requires the Regional Board to consider various factors, including economic considerations, when adopting water quality objectives into its Basin Plan. Water Code Section 13263 requires the Regional Board to address the factors in Section 13241 in adopting waste discharge requirements. The State Board, however, has held that a Regional Board need not specifically address the Section 13241 factors when implementing existing water quality objectives in waste discharge requirements because the factors were already considered in adopting water quality objectives. This General Order implements adopted water quality objectives. Therefore, no additional analysis of Section 13241 factors is required.
  51. State Board Resolution No. 68-16 ("Statement of Policy with Respect to Maintaining High Quality Waters in California") requires that the Regional Board, in regulating the discharge of waste, must maintain high quality 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 Regional Board's policies (e.g., quality that exceeds water quality objectives).
  52. The discharges authorized by this General Order are consistent with State Board Resolution 68-16 and 40 CFR 131.12 (the federal antidegradation policy). This General Order establishes requirements that will result in best practicable treatment or control of the discharge to assure that pollution or nuisance will not occur and that the discharges will not unreasonably affect beneficial uses or result in water quality less than prescribed in the Basin Plans. The assimilative capacity

- of the underlying soil should prevent degradation of groundwater from infiltration of incidental waste constituents. The receiving water and groundwater limits prescribed herein are intended to ensure that the assimilative capacity will not be exceeded. If the discharge is causing such an increase, then the Discharger may be required to cease the discharge, line the ponds, implement source control, change the method of disposal, or take other action to prevent groundwater or surface water degradation.
53. Projects eligible for enrollment in this General Order require a U.S. Army Corps of Engineers Section 10 permit (Rivers & Harbors Act) for dredging operations and may require a Clean Water Act (CWA) Section 404 permit for the discharge of the “effluent” to surface waters. Though exempt from NPDES regulations, each project requires a CWA Section 401 Water Quality Certification from the Regional Board. Such Certification will be issued; in conjunction with each approved “Notice of Applicability”. The federal permits must be obtained prior to discharge. Projects eligible for enrollment under this General Order may also be subject to regulation by the California Department of Fish and Game, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and the State Lands Commission.
54. The discharge authorized herein and the treatment and storage facilities associated with the discharge are exempt from the requirements of Title 27 CCR. The exemption, pursuant to Title 27 CCR Section 20090(b), is based on the following:
- a. Issuance of waste discharge requirements,
  - b. The consistency of the waste discharge requirements with the Basin Plan,
  - c. No need to manage wastewater according to Title 22, CCR, Division 4.5, and Chapter 11, as a hazardous waste. In order to be eligible for coverage under this Order, the Discharger must demonstrate that the waste is not classified as a hazardous waste but is properly classified as an inert waste,
  - d. Slurry water from hydraulic dredging receives treatment in the DMD site. As part of the NOI, the Discharger must perform testing on the sediment to show that the DMD site can provide adequate treatment.
  - e. The dredge material and underlying groundwater at the DMD sites will be monitored.
55. Pursuant to CWC Section 13263(g), discharge is a privilege, not a right, and adoption of this General Order does not create a vested right to continue the discharge.
56. This General Order does not preempt or supersede the authority of municipalities, flood control agencies, and other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction, but such regulation by other entities may not be less stringent than this General Order.

57. The Discharger submitted information about the probable constituents of concern and their concentrations in the dredged material, effluent, and receiving water. The Regional Board finds that the effluent discharges are not likely to cause or contribute to a violation of applicable water quality objectives and CTR/NTR criteria, if the sediment analyses results are at or below concentrations listed in Section A.3 of this Order. When sediment analysis results exceed these concentrations, site-specific studies are needed to assure compliance with applicable water quality objectives and CTR/NTR criteria.
58. Dredging operations may cause some degradation to the waters of the State. Dredging operations cause only temporary impacts to surface waters, as dredging and effluent discharge occur only a few weeks out of the year. Since the effluent contains only water and sediment that originated in the water body, it does not constitute a new source of pollutants. However, dredging may cause temporary degradation of turbidity, total suspended solids, dissolved oxygen and elevated levels of some constituents. Dredging projects covered under this Order will not exceed any applicable water quality objectives. Maintenance dredging of the Stockton Deep Water Ship Channel is necessary to maintain safe navigation to the Port of Stockton and benefits the people of the State.
59. The following agencies also have jurisdiction over this dredging and disposal project:
  - California Department of Fish and Game
  - National Marine Fisheries Service
  - United States Fish and Wildlife Service
  - United States Army Corps of Engineers
  - State Lands Commission
60. The action to revise waste discharge requirements for the DMD facilities is exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with Title 14, California Code of Regulations (CCR), Section 15301. Annual maintenance dredging activities are exempt from the provisions of the CEQA in accordance with Title 14, CCR, Section 15304 (g).
61. Pre-dredge testing and site-specific studies (when necessary) provide assurance that dredged sediments will not contain hazardous waste or soluble pollutants at concentrations in excess of applicable water quality objectives and CTR/NTR criteria. The dredge sediments will be classified as Inert Waste as defined in Title 27 Subchapter 2 Section 20230 of the California Code of Regulations. Inert wastes do not need to be discharged at classified waste management units, therefore Title 27 waste discharge requirements are not required for this project. Pursuant to Title 27, Section 20230 of the California Code of Regulations, the Regional Board can prescribe individual or general waste discharge requirements.

The U.S. Army Corps of Engineers has issued a Section 10 permit (Rivers & Harbors Act) for dredging operations and a Clean Water Act Section 404 permit for the discharge of the “effluent” to surface waters. Therefore, these dredging operations are exempt from NPDES regulations, but require a Clean Water Act Section 401 Water Quality Certification to be issued by the Regional Board. A 401 Water Quality Certification will be issued in conjunction with each approved “Notice of Applicability”.

### **PUBLIC NOTICE**

62. All the above and the supplemental information and details in the attached Information Sheet, incorporated by reference herein, were considered in establishing the following conditions of discharge.
63. Interested agencies and persons were notified of the intent to prescribe a General Order for this group of discharges and provided an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
64. In a public meeting, all comments pertaining to the discharges were heard and considered.
65. Any person adversely affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action. The petition must be received by the State Board within 30 days of the date of issuance of this Order. Copies of the law and regulations applicable to filing the petition will be provided on request.

IT IS HEREBY ORDERED that Order No. R5-2003-0145 is rescinded and that the Army Corps of Engineers, Department of Water Resources and the Port of Stockton, their agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

#### **A. APPLICABILITY**

1. All dredging discharges covered by this Order shall be limited to maintenance dredging activities associated with the Stockton Deep Water Ship Channel as identified in Finding numbers 4 and 5 above.
2. Before the maintenance dredging project can be considered for coverage by this order, a complete Notice of Intent (as detailed in Attachment B) and filing fee must be submitted to the Regional Board.

3. The *Discharge Applicability Table* to follow, establishes sediment concentrations that will not cause exceedances of water quality objectives under general conditions. Sediments with values below the concentrations in Table A.3 may be discharged to DMD sites listed in this Order, and other appropriate sites approved by the Regional Board for direct placement and/or reuse. If analytical results are above the values listed in Table A.3, the Discharger may submit a technical report describing site-specific factors that could be taken into consideration by the Executive Officer in determining compliance with Section G Provisions of this Order. Section G describes the requirements of the technical report, with additional information also provided in Attachment "D". The discharge of sediments that exceed the concentrations in Table A.3 is considered a violation of this Order unless granted a site-specific exemption.

Part 1 of the Discharge Applicability Table applies to solids analysis and extractable constituents from the pre-dredge sediment analysis. The maximum soluble concentrations in Part 1 are chosen to protect groundwater and surface water beneficial uses from leachate and surface runoff. The values are based on applicable water quality objectives and CTR/NTR criteria. The solid phase maximum concentrations in Part 1 are chosen to protect humans and wildlife from potential exposure to the sediments and their constituents once they are placed in an upland environment. Part 2 of the Discharge Applicability Table applies to pre-dredge analysis of the modified elutriate test, which simulates expected conditions of the effluent from the DMD site and expected conditions near the dredging location. The maximum concentrations in Part 2 are chosen to protect the receiving water beneficial uses and are based on applicable water quality objectives and CTR/NTR criteria. Detailed information on the values used in this Order is available in the Information sheet.



**Table A.3**  
**Discharge Applicability Table Part 1:** Applicability of sediments for upland disposal

<b>Constituent</b>	<b>Max. Concentration of solids analysis<sup>1</sup> (dry weight)</b>	<b>Max. Concentration of soluble constituents<sup>2</sup></b>
Arsenic	See footnote <sup>3</sup>	10.0 µg/l (filtered)
Barium		100 µg/l (filtered)
Cadmium	21 mg/kg	5 µg/l (filtered)
Total Chromium	See footnote <sup>3</sup>	50 µg/l (filtered)
Chromium VI		11 µg/l (filtered)
Copper	61 mg/kg	9.0 µg/l <sup>4</sup> (filtered)
Lead	400 mg/kg	2.5 µg/l <sup>4</sup> (filtered)
Mercury	0.2 mg/kg	0.05 µg/l
Nickel	See footnote <sup>3</sup>	52 µg/l <sup>4</sup> (filtered)
Selenium	390 mg/kg	5 µg/l
Zinc	120 mg/kg	100 µg/l (filtered)
pH		6.5 – 8.5

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<sup>1</sup> Maximum concentrations in Table A.3 for solids are based on USEPA Preliminary Remediation Goals (PRG) for ecological or residential use, or background concentrations found in Delta soil. The PRG screening values are based on risk assessment of common exposure pathways in an upland environment. If the solids or soluble concentrations are exceeded, beneficial reuse options may be restricted or the Discharger may submit a technical report as described in Section F.

<sup>2</sup> Soluble concentrations shall be determined using methods specified in the Monitoring and Reporting Program. Soluble metal concentrations are for total recoverable concentrations unless otherwise noted.

<sup>3</sup> The mean solids concentration of the sediment shall not exceed the mean solids concentration of background soils from the Delta based on a statistical comparison using an approved Title 27 statistical method.

<sup>4</sup> Maximum concentration based on chronic aquatic toxicity with a receiving water hardness of 100 mg/l CaCO<sub>3</sub>, but will be recalculated based on the CTR and on receiving water hardness determined during predredge analysis or reasonable worst case value.

**Table A.3 (continued)**

**Discharge Applicability Table Part 1:** Applicability of sediments for upland disposal

<b>Constituent</b>	<b>Max. Concentration of solids analysis<sup>1</sup> (dry weight)</b>	<b>Max. Concentration of soluble constituents</b>
<b>Polyaromatic hydrocarbons (PAH):</b>		
Acenaphthene	3,700 mg/kg	
Anthracene	22,000 mg/kg	
Benzo(a)anthracene	0.62 mg/kg	
Benzo(b)fluoranthene	0.62 mg/kg	
Benzo(k)fluoranthene	0.61 mg/kg	
Benzo(a)pyrene	0.062 mg/kg	
Chrysene	6.1 mg/kg	
Dibenz(a,h)anthracene	0.062 mg/kg	
Fluoranthene	2,300 mg/kg	
Fluorene	2,600 mg/kg	
Indeno(1,2,3-cd)pyrene	0.62 mg/kg	
Naphthalene	56 mg/kg	
Pyrene	2,300 mg/kg	
<b>Polychlorinated Biphenyls (PCB):</b>		
Aroclor 1016	3.9 mg/kg	
Aroclor 1221	0.22 mg/kg	
Aroclor 1232	0.22 mg/kg	
Aroclor 1242	0.22 mg/kg	
Aroclor 1248	0.22 mg/kg	
Aroclor 1254	0.22 mg/kg	
Aroclor 1260	0.22 mg/kg	

**Table A.3 (Continued)**

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<sup>1</sup> Maximum concentrations in Table A.3 for solids are based on USEPA Preliminary Remediation Goals (PRG) for ecological or residential use, or background concentrations found in Delta soil. The PRG screening values are based on risk assessment of common exposure pathways in an upland environment. If the solids or soluble concentrations are exceeded, beneficial reuse options may be restricted or the Discharger may submit a technical report as described in Section F.

**Discharge Applicability Table Part 1:** Applicability of sediments for upland disposal.

Constituent	Max. Concentration of solids analysis <sup>1</sup> (dry weight)
<b>Organochlorine Pesticides:</b>	
Aldrin	0.029 mg/kg
Alpha BHC	0.090 mg/kg
Beta BHC	0.032 mg/kg
Gamma BHC (Lindane)	0.44 mg/kg
Chlordane	1.6 mg/kg
4,4-DDD	2.4 mg/kg
4,4-DDE	1.7 mg/kg
4,4-DDT	1.7 mg/kg
Dieldrin	0.011 mg/kg
Endosulfan	370 mg/kg
Endrin	18 mg/kg
Heptachlor	0.11 mg/kg
Heptachlor epoxide	0.052 mg/kg
Hexachlorocyclopentadienne	420 mg/kg
Methoxychlor	8 mg/kg
Toxaphene	0.44 mg/kg

**Table A.3 (Continued)**

<sup>1</sup> Solids concentrations are based on USEPA Preliminary Remediation Goals (PRG) for ecological or residential use, or background concentrations found in Delta soil. The PRG screening values are based on risk assessment of common exposure pathways in an upland environment. If the solids concentrations are exceeded, beneficial reuse options may be restricted or the Discharger may submit a technical report as described in Section F.

**Discharge Applicability Table Part 2:** Applicability of sediment elutriate and solids analysis for dredge site impacts and effluent discharges from the disposal site.

<b>Constituent</b>	<b>Max. Concentration of solids analysis<sup>4,5</sup> (dry weight)</b>	<b>Max. Concentration of constituents<sup>2,4</sup></b>
Acute or Chronic Toxicity Test		80% survival
Arsenic		10 µg/l (filtered)
Barium		100 µg/l (filtered)
Cadmium		5 µg/l (filtered)
Total Chromium		50 µg/l (filtered)
Chromium VI		11 µg/l (filtered)
Copper		9.0 µg/l <sup>3</sup> (filtered)
Lead		2.5 µg/l <sup>3</sup> (filtered)
Mercury		0.05 µg/l
Nickel		52 µg/l <sup>3</sup> (filtered)
Selenium		5 µg/l
Zinc		100 µg/l (filtered)
pH		6.5-8.5
Specific conductivity (EC)		700 µmhos/cm <sup>6</sup>
Total Dissolved Solids(TDS)		450 mg/l <sup>6</sup>
Chloride		106 mg/l <sup>6</sup>
Ammonia + Ammonium		See footnote <sup>7</sup>
BOD		Compare to RW
TOC		Compare to RW
Tributyl Tin		0.063 µg/l
Oil and Grease		5 mg/l

**Table A.3 (Continued)**

<sup>2</sup> Soluble concentrations shall be determined using methods specified in the Monitoring and Reporting Program. Metal concentrations are for total recoverable concentrations unless otherwise noted.

<sup>3</sup> Maximum concentration depends on hardness of receiving water. The number shown is based on a receiving water hardness of 100 mg/l CaCO<sub>3</sub>, but will be recalculated based on the CTR and on receiving water hardness determined during predredge analysis, or reasonable worst case value.

<sup>4</sup> If the elutriate results exceed Table A.3 Part 2 concentrations, then the Discharger may submit a technical report as described in Section F.

<sup>5</sup> Solids concentrations for effluent discharge are based on an assumption of 100 mg/l suspended solids in the effluent. If the concentrations are exceeded, the Discharger may submit a technical report that demonstrates how suspended solids will be reduced so that water quality criteria are not exceeded in the effluent.

<sup>6</sup> The effluent concentration shall not exceed values for EC, TDS or chloride or shall not be above ambient background levels of the receiving water if the receiving water exceeds the values.

<sup>7</sup> Ammonia and ammonium concentrations will be calculated based on the pH and temperature of the receiving water according to the following formula:  

$$CCC = \{ [0.0577 / (1 + 10^{7.688 - pH})] + [2.487 / (1 + 10^{pH - 7.688})] \} \times \{ \text{MIN}[2.85, 1.45 \times 10^{0.028 \times (25 - T)}] \}$$

**Discharge Applicability Table Part 2 Continued:** Applicability of sediment elutriate and solids analysis for dredge site impacts and effluent discharges from the disposal site.

<b>Constituent</b>	<b>Max. Concentration of solids analysis<sup>4,5</sup> (dry weight)</b>	<b>Max. Concentration of soluble constituents<sup>2,4</sup></b>
<b>Polyaromatic hydrocarbons (PAH):</b>		
Acenaphthene	12,000 mg/kg <i>or</i>	1,200 µg/l
Anthracene	96,000 mg/kg <i>or</i>	9600 µg/l
Benzo(b)fluoranthene	44 µg/kg <i>or</i>	0.0044 µg/l
Benzo(k)fluoranthene	44 µg/kg <i>or</i>	0.0044 µg/l
Benzo(a)pyrene	44 µg/kg <i>or</i>	0.0044 µg/l
Chrysene	44 µg/kg <i>or</i>	0.0044 µg/l
Dibenz(a,h)anthracene	44 µg/kg <i>or</i>	0.0044 µg/l
Fluoranthene	3,000 mg/kg <i>or</i>	300 µg/l
Fluorene	13,000 mg/kg <i>or</i>	1,300 µg/l
Indeno(1,2,3-cd)pyrene	44 µg/kg <i>or</i>	0.0044 µg/l
Naphthalene	6,200 mg/kg <i>or</i>	620 µg/l
Pyrene	9,600 mg/kg <i>or</i>	960 µg/l
<b>Polychlorinated Biphenyls (PCB):</b>	1.7 µg/kg (Total sum) <i>or</i>	0.00017 µg/l (Sum of PCBs in elutriate)
<b>Organochlorine Pesticides:</b>		
Aldrin		ND (<0.005 µg/l)
Alpha BHC		ND (<0.01 µg/l)
Beta BHC		ND (<0.005 µg/l)
Gamma BHC (Lindane)		ND (<0.02 µg/l)
Chlordane		ND (<0.1 µg/l)
4,4-DDD		ND (<0.05 µg/l)

<sup>2</sup> Soluble concentrations shall be determined using methods specified in the Monitoring and Reporting Program.

<sup>4</sup> If the elutriate results exceed Table A.3 Part 2 concentrations, then the Discharger may submit a technical report as described in Section F.

<sup>5</sup> Solids concentrations for effluent discharge are based on an assumption of 100 mg/l suspended solids in the effluent. If the concentrations are exceeded, the Discharger may submit a technical report that demonstrates how suspended solids will be reduced so that water quality criteria are not exceeded in the effluent.

**Table A.3** (Continued)

**Discharge Applicability Table Part 2:** Applicability of sediment elutriate and solids analysis for dredge site impacts and effluent discharges from the disposal site.

Constituent	Max. Concentration of solids analysis <sup>4,5</sup> (dry weight)	Max. Concentration of soluble constituents <sup>2,4</sup>
<b>Organochlorine Pesticides</b> continued:		
4,4-DDE		ND (<0.05 µg/l)
4,4-DDT		ND (<0.01 µg/l)
Dieldrin		ND (<0.01 µg/l)
Endosulfan I		ND (<0.02 µg/l)
Endosulfan II		ND (<0.01 µg/l)
Endosulfan sulfate		ND (<0.05 µg/l)
Endrin		ND (<0.01 µg/l)
Endrin aldehyde		ND (<0.01 µg/l)
Heptachlor		ND (<0.01 µg/l)
Heptachlor epoxide		ND (<0.01 µg/l)
Hexachlorocyclopentadiene		ND (<0.01 µg/l)
Methoxychlor		ND (<0.1 µg/l)
Toxaphene		ND (<0.5 µg/l)
<b>Organophosphorous Pesticides:</b>		
Chlorpyrifos		0.014 µg/l
Diazinon		0.05 µg/l
Dimethioate		1.0 µg/l
Malathion		0.43 µg/l
Parathion		0.013 µg/l
Phorate		0.7 µg/l

<sup>2</sup> Soluble concentrations shall be determined using methods specified in the Monitoring and Reporting Program.

<sup>4</sup> If the elutriate results exceed Table A.3 Part 2 concentrations, then the Discharger may submit a technical report as described in Section F.

<sup>5</sup> Solids concentrations for effluent discharge are based on an assumption of 100 mg/l suspended solids in the effluent.

4. Before commencing pre-dredge sampling and analysis, the Discharger shall have the sampling and analysis plan reviewed and approved by Regional Board Staff. If the Discharger does not receive comments or approval from Regional Board staff within 10 working days, the Discharger may proceed with sampling if the Sampling and Analysis Plan is equivalent to the latest approved Sampling and Analysis Plan.
5. If the Executive Officer finds that the proposed discharge qualifies for coverage under this Order, a Notice of Applicability shall be issued to the Discharger. Individual dredging projects are not covered under this Order until issued a Notice of Applicability by the Executive Officer.
6. The dredging operations primarily involve the use of a pipeline hydraulic suction dredge for maintaining needed depth for navigational access. Clamshell dredging may be used in limited cases where access is restricted or debris is too large for hydraulic dredging. Recent advances in clamshell dredging buckets have produced 'sealed' or 'environmental' buckets, which greatly reduce the amount of turbidity in the water column and the amount of water produced during the dredging operation. This Order allows the use of a sealed bucket and barge for maintenance dredging. Other dredge types may be approved by the Executive Officer upon a demonstration of their ability to meet water quality objectives

## **B. PROHIBITIONS**

1. The discharge from dredging operations, including material disturbed by either the cutter head or bucket during dredging, shall not cause or contribute to acute toxicity in the receiving waters.
2. The discharge of 'hazardous waste' or 'designated waste' is prohibited. For the purposes of this Order, the term 'hazardous waste' is as defined in Title 23, California Code of Regulations, Section 2510 et seq., and 'designated waste' is as defined in California Water Code Section 13173.
3. The discharge of dredged materials other than to a Dredged Material Disposal site specifically designed for their containment, or to a site approved by the Regional Board for direct placement and/or beneficial reuse, is prohibited.
4. The discharge of solid waste, liquid waste, leachate, or waste constituents shall neither cause nor contribute to any contamination, pollution, or nuisance to surface waters, ponded water, or surface water drainage courses, including, but not limited to:

- a. floating, suspended, or deposited macroscopic particulate matter or foam;
  - b. increases in bottom deposits or aquatic growth;
  - c. exceedances of water quality objectives for temperature, turbidity, or color that causes nuisance or adversely affects beneficial uses;
  - d. the creation or contribution of visible, floating, suspended, or deposited oil or other products of petroleum origin; and
  - e. the introduction or increase in concentration of toxic or other contaminants/pollutants resulting in impairment of beneficial uses of waters of the State.
5. The direct discharge of wastes to surface waters or surface water drainage courses other than effluent from the DMD site is prohibited. Surface runoff from the site may be permitted if the approved site operation plan has provisions for erosion control and monitoring.
  6. Bypass or overflow of untreated or partially treated waste from the confined disposal facility is prohibited.
  7. The discharge of dredge return water from hopper dredges to surface waters is prohibited.
  8. The discharge of sanitary waste to the DMD sites is prohibited.
  9. The discharge of dredge material and other construction activities is prohibited within 200 feet of the pond situated on the southern boundary of the Scour Pond I DMD site. The 200-foot buffer zone shall be measured from the pond's high water level.
  10. All construction activities, including dredge material reuse, within the Scour Pond I DMD site are prohibited until a biological survey is conducted for giant garter snakes (*Thamnophis gigas*) by a qualified biologist. The biological survey must be performed 24 hours prior to commencing any construction activities. The survey of the project area must be repeated if a lapse in construction activity of two weeks or greater occurs. If a giant garter snake is encountered during construction, then all construction activities shall cease immediately until the appropriate corrective measures are taken and a qualified biologist resurveys the site.



11. The discharge of decant water from Scour Pond I or McCormick Pit shall not contain a total copper concentration greater than five (5) parts per billion above the ambient river copper concentration

**C. DISCHARGE SPECIFICATIONS**

(For discharge of dredged materials into Dredged Material Disposal Site)

1. The discharge of dredged materials shall only be to the sites identified in Finding No. 10 of this Order; or to a DMD Site with Waste Discharge Requirements approved for accepting dredge materials from the Stockton Deep Water Ship Channel; or to a site specifically approved by the Regional Board for direct placement and/or beneficial reuse.
2. The discharge to the DMD site shall consist solely of inert waste as defined by Title 27, Chapter 3, Section 20230 of the California Code of Regulations.
3. The discharge of any materials generated during dredging operations shall not cause a nuisance or condition of pollution as defined by the California Water Code.
4. The discharge shall not cause concentrations of any materials that are deleterious to animals, aquatic, human or plant life in adjacent water bodies.
5. The discharge shall not cause the pollution or contamination of any water supply.
6. The discharge shall not alter the apparent color of adjacent water bodies such that it causes nuisance or adversely affects beneficial uses.
7. The discharge to the DMD site shall consist solely of sediment and water produced from dredging operations.
8. Appropriate soil erosion control measures shall be made and maintained to prevent discharge of sediment to surface waters or surface water drainage courses from disturbed areas at the DMD sites. Surface runoff from the site may be permitted if the approved site operation plan has provisions for erosion control and monitoring. Design seasonal precipitation shall be based on total annual precipitation using a return period of 100 years, distributed monthly in accordance with the historical rainfall patterns.
9. Objectionable odors originating at this facility shall not be perceivable beyond the limits of the activity area.

10. All retention dikes or levees shall be so constructed and maintained to prevent sloughing that causes turbidity in excess of Receiving Water Limitations No. 11.
11. The discharge shall remain within the DMD sites area at all times, except for effluent discharges specified in Section D Effluent Limitations. After drying, the solid material may be removed for beneficial reuse at other locations subject to restrictions specified in the Notice of Applicability. Surface runoff from the site may be permitted if the approved site operation plan has provisions for erosion control and monitoring.
12. The discharge of waste to all the DMD sites is prohibited until an Operation Plan for each DMD site has been approved by the Executive Officer.
13. The Discharger shall operate all systems and equipment to maximize treatment of the wastewater and optimize the quality of the discharge.
14. The ponds shall be managed to prevent breeding of mosquitoes. In particular,
  - a. An erosion control program should assure that small coves and irregularities are not created around the perimeter of the water surface.
  - b. Weeds shall be minimized through control of water depth, harvesting, or herbicides.
  - c. Dead algae, vegetation, and debris shall not accumulate on the water surface.
16. The DMD sites shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.
17. All stockpiled dredge materials shall be managed to prevent erosion of sediment to surface water drainage courses.
18. Newly constructed or rehabilitated levees or berms that hold back water shall be designed and constructed under the direct supervision of a California Registered Civil Engineer or Engineering Geologist.
19. The freeboard in all ponds shall never be less than two feet as measured vertically from the water surface to the lowest point of overflow.
20. One week prior to the date of discharge, available ponds storage capacity shall at least equal the volume necessary to comply with Discharge Specifications C. 19.

**D. EFFLUENT LIMITATIONS**

(Return flows from the Dredged Material Disposal Site to the specified receiving water)

1. The effluent discharge from the Dredge Material Disposal sites are subject to the following flow limitations:
  - The average daily flow shall not exceed 9 mgd.
  - The maximum daily flow shall not exceed 10 mgd.
2. The discharge shall not have a pH less than 6.5 nor greater than 8.5.
3. In areas where the receiving water is on the 303(d) list as an impaired water body for nutrient enrichment or low dissolved oxygen, concentrations of dissolved oxygen in the effluent shall not fall below 5.0 mg/l. Concentrations of dissolved oxygen in the effluent shall not fall below 6.0 mg/l at DMD sites where the effluent is discharged into or upstream from the San Joaquin river inside the reach from Turner Cut to Stockton during the period of 1 September through 30 November. Roberts Island #1, Roberts Island #2, and the Port of Stockton DMD sites are the currently permitted sites in this impaired reach.
4. In areas where the receiving water is on the 303(d) list as an impaired water body for low dissolved oxygen, the effluent shall not contain oxygen depleting constituents (BOD, COD, and ammonia) that are above the ambient levels in the receiving water upstream from the effluent discharge point.
5. The effluent shall not exceed water quality objectives or CTR/NTR criteria for any constituent that is on the 303(d) list for the receiving water where the effluent is discharged, unless a mixing zone is granted in the NOA. If the water entrained during dredging contains constituents that exceed water quality objectives, the effluent shall not exceed ambient levels in the receiving water. Mixing zones for 303(d) constituents may be granted by the Executive Officer if the Discharger demonstrates that the receiving water has assimilative capacity and the discharge meets the conditions of this Order.
6. In some DMD sites, the effluent is discharged directly into agricultural drainage ditches. Since agricultural drainage ditches are eventually discharged into rivers and sloughs in the Delta, the 303(d) constituents of the eventual surface water destination will be applied to the drainage ditch.
7. The following constituents are on the current 303(d) list for impaired water bodies in the area of the Delta that includes the Stockton Deep Water Ship Channel:

Mercury  
DDT  
Chlorpyrifos  
Diazinon  
Group A Pesticides (Aldrin, Dieldrin, chlordane, Endrin, heptachlor,  
heptachlor epoxide, hexachlorocyclohexane (including Lindane),  
Endosulfan, and Toxaphene)  
Unknown toxicity  
Organic enrichment / Low D.O. (Channel Point to Disappointment  
Slough)  
Electrical Conductivity  
Dioxin (RM 39 to RM 41)  
Furans (RM 39 to RM 41)  
PCBs (RM 39 to RM 41)  
Pathogens

8. The effluent shall not contain any constituent at concentrations that could cause acutely toxic conditions to aquatic life nor adversely impact biologically sensitive or critical habitats.
9. Survival of aquatic organisms in 96-hour toxicity tests of undiluted effluent shall be no less than:  
Minimum for any one toxicity test..... 70%  
Median for any three or more consecutive toxicity tests ..... 90%
10. Total identifiable persistent chlorinated hydrocarbon pesticides shall not be present in the discharge at concentrations detectable within the accuracy of analytical methods approved by either the EPA or the Executive Officer.
11. The point of compliance for effluent limitations is the point just before the effluent enters the receiving water.

**E. RECEIVING WATER LIMITATIONS:**

Receiving water limitations (RWL) implement Water Quality Objectives in applicable water quality control plans. As such, they are a required part of this Order.

A mixing zone is defined as a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality objectives and CTR/NTR criteria may be exceeded without causing adverse effects to the overall water body. A mixing zone may be allowed if there is assimilative capacity in the receiving water. If the Discharger proposes a mixing zone for any constituent, they shall show justification that the receiving water has assimilative capacity and that dilution is likely to occur

within the mixing zone. The mixing zone has a maximum length of 300 feet and shall not exceed 50% of the cross-section of the receiving water. Acutely toxic conditions are not permitted at any place inside the mixing zone. Chronic aquatic criteria and all other water quality objectives and CTR/NTR criteria must be met at the edge of the mixing zone in the receiving water. In addition the mixing zone shall not:

- adversely impact beneficial uses.
- compromise the integrity of the entire water body.
- cause acutely toxic conditions to aquatic life passing through the mixing zone.
- restrict the passage of aquatic life.
- adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws.
- produce undesirable or nuisance aquatic life.
- result in floating debris, oil, or scum.
- produce objectionable color, odor, taste or turbidity.
- cause objectionable bottom deposits.
- cause nuisance.
- dominate the receiving water body or overlap a mixing zone from different outfalls.
- be allowed at or near any drinking water intake.
- be allowed for any constituents in agricultural drainage ditches due to the lack of assimilative capacity, unless the Discharger can demonstrate that the discharge improves water quality in the agricultural drainage ditch.

If the Discharger proposes a mixing zone that meets the requirements of this Order, the Executive Officer may approve the mixing zone in the Notice of Applicability.

In the following limitations, the discharge is defined as the effluent from the DMD sites and/or sediment released to the receiving waters from the dredge cutting head. The Discharger shall not cause the following Receiving Water Limits to be exceeded in the receiving water or at the edge of the allowed mixing zone, if applicable:

1. Concentrations of dissolved oxygen to fall below 5.0 mg/l or below 6.0 mg/l at DMD sites where the effluent is discharged into or upstream from the San Joaquin River inside the reach from Turner Cut to Stockton during the period of 1 September through 30 November.
2. Oils, greases, waxes, or other materials to form a visible film or coating on the water surface or on the stream bottom.

3. Oils, greases, waxes, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.
4. Toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal or aquatic life.
5. Aesthetically undesirable discoloration.
6. Fungi, slimes, or other objectionable growths.
7. The normal ambient pH to fall below 6.5, exceed 8.5 or change by more than 0.5.
8. Deposition of material that causes nuisance or adversely affects beneficial uses.
9. The fecal coliform concentration in any 30-day period to exceed a geometric mean of 200 MPN/100 ml or cause more than 10 percent of total samples to exceed 400 MPN/100 ml.
10. The normal ambient temperature to increase more than 5° F.
11. The discharge shall not cause an increase in turbidity exceeding the following limits in the receiving water:
  - a. 1.0 Nephelometric Turbidity Units (NTUs) where natural turbidity is between 0 and 5 NTUs;
  - b. 20 percent where natural turbidity is between 5 and 50 NTUs;
  - c. 10 NTUs where natural turbidity is between 50 and 100 NTUs;
  - d. 10 percent where natural turbidity is greater than 100 NTUs.
12. Taste or odor-producing substances to impart undesirable tastes or odors to domestic or municipal water supplies, or to fish flesh or other edible products of aquatic origin or to cause nuisance or otherwise adversely affect beneficial uses.
13. Violation of any applicable water quality objective for receiving waters adopted by the Regional Board or the SWRCB, or to CTR/NTR criteria promulgated by the USEPA, pursuant to the Clean Water Act and regulations adopted thereunder.

**F. GROUNDWATER LIMITATIONS:**

The discharge, in combination with other site-derived sources, shall not cause underlying groundwater to contain waste constituents statistically greater than background water quality.

**G. PROVISIONS**

1. If the concentration(s) of the predredge sediment samples exceed those specified in Applicability Section A.3, then the Discharger may submit a technical report with the NOI to the Executive Officer demonstrating the Discharger's ability to comply with this Order while exceeding the applicability numbers in the A.3 Discharge Applicability Table. The dredging project may not proceed until the technical report is reviewed by the Executive Officer and a Notice of Applicability has been granted. If the Executive Officer finds that the technical report is consistent with the conditions of this Order, new values will be substituted for the numbers listed in Table A.3, but only for the discharge covered by the NOA. Attachment "D" gives additional information on the content of the Technical Report.
2. If the maximum concentration of the solids analysis listed in Applicability Table A.3 Part 1 are exceeded, restrictions may be placed on some beneficial reuse options. The Discharger may propose appropriate EPA PRG values (Preliminary Remediation Goals) or risk analysis calculations that address the likely exposure pathways of the specific DMD location and use of the dredged material once it is placed on land.
3. If the maximum concentration for soluble constituents listed in Applicability Table A.3 Part 1 are exceeded, the Discharger may propose site-specific calculations, based on site-specific attenuation and dilution factors, to demonstrate that the dredged material will not produce leachate that will exceed water quality objectives for the groundwater. If direct surface runoff poses a potential threat to surface water, beneficial reuse may be restricted to areas with no direct surface runoff to surface waters.
4. During the predredge analysis, if the modified elutriate test results exceed the maximum concentrations listed in Part 2 of the Discharge Applicability Table (A.3), the Discharger may submit a technical report that provides justification for a mixing zone in the receiving water. The mixing zone can be used if the Executive Officer finds that it meets the conditions of this Order. Mixing zone calculations shall use the maximum effluent flow listed in the WDR and the average receiving water flow expected for the time of the discharge.

5. Calculations need be submitted only for the constituent exceeding concentrations in the Discharge Applicability Table (A.3). Within 7 days after the Discharger submits copies of the technical report prepared for compliance with Provision F, Regional Board staff shall mail copies of the technical report to interested parties or agencies that request a copy. Interested parties will have two weeks to review the report and provide comments to the Executive Officer for consideration prior to issuance of a Notice of Applicability. Separate NOIs may be submitted for different reaches of the project.
6. The Discharger shall submit an Operation Plan for each DMD Site. This Operation Plan shall describe site operations and procedures to be followed before, during, and after maintenance dredging sediment disposal. The DMD Site's Operation Plan must be submitted with the Notice of Intent. At a minimum, the Site Operation Plan shall include (a) site preparation such as grading, berm construction or repair, and vegetation management, (b) emergency procedures for potential risks, including levee failures, (c) placement of inflow points and effluent weirs, (d) the calculated retention time based on the maximum flow limit and removal efficiency for Total Suspended Solids, (e) operation procedures for the DMD site, (g) stormwater management and erosion control measures, and (h) description of the reuse activities for the dredge material (if any).
7. Pursuant to Section 13267 of the California Water Code, the Discharger may be required to submit other technical reports as directed by the Executive Officer.
8. The Discharger shall comply with the attached Monitoring and Reporting Program No. R5-2004-0061, which is part of this Order, and any revision thereto as ordered by the Executive Officer. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or in revision or rescission of the Notice of Applicability.
9. The Discharger shall comply with the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements", dated 1 March 1991, which are attached hereto and by reference made a part of this Order. This attachment and its individual paragraphs are commonly referenced as "Standard Provision(s)."
10. In the event of any change in control or ownership of land or control of dredging and disposal operations described herein, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.



11. The Discharger shall notify the Regional Board when each dredging project that is covered by these requirements is complete, so that the Notice of Applicability may be withdrawn and the Discharger will no longer be covered by this Order, although long-term maintenance of sediments in the DMD sites will continue to be covered.
12. The Discharger shall immediately notify the Regional Board by telephone whenever a violation or an adverse condition occurs as a result of the dredging and disposal operation or the discharge of effluent. Written confirmation shall follow within two (2) weeks. An "adverse condition" is defined as any action or incident that may result in a risk to public health and safety, condition of nuisance, violation of water quality standards or violation of other conditions of this Order.
13. The Discharger shall report promptly to the Regional Board any material change or proposed change in the character, location, or volume of the discharge.
14. The Regional Board considers the Discharger to have continuing responsibility for correcting any problems which may arise in the future as a result of maintenance dredging activities and of the subsequent use of the dredge material disposal sites.
15. The Discharger shall comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability or in revision or rescission of the Notice of Applicability.
16. A copy of this Order and the Notice of Applicability shall be kept as a reference for dredging operation personnel. Key operating personnel shall be familiar with its contents.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 31 August 2012.

Original signed by

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PAMELA C. CREEDON, Executive Officer