CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

**Los Angeles Regional Water Quality Control Board**

September 25, 2012

Mr. Antonio V. Gioiello
Chief Harbor Engineer
Port of Los Angeles
Post Office Box 151
San Pedro, CA 90733-0151

TENTATIVE WASTE DISCHARGE REQUIREMENTS
BERTHS 302-306 TERMINAL EXPANSION (FILE NO. 12-060)

Dear Mr. Gioiello:

We have completed our review of your application to this Board for waste discharge requirements for your proposed discharge of wastes. Enclosed are copies of tentative waste discharge requirements and a receiving water monitoring program for dredging and disposal of dredged material from the Berths 302-306 Terminal Expansion project in Los Angeles Harbor, Los Angeles County. A copy of our Standard Provisions, General Monitoring and Reporting Requirements (Attachment N) also is enclosed.

In accordance with the California Water Code, this Board, at a public meeting to be held on December 6, 2012, at 9:00 a.m., Metropolitan Water District Board Room, 700 N. Alameda St., Los Angeles, California, will consider the enclosed tentative requirements and comments submitted in writing regarding any or all portions thereof. The Board will hear any testimony pertinent to these discharges and the tentative requirements. It is expected that the Board will take action at the hearing; however, as testimony indicates, the Board at its discretion may order further investigation.

Written comments and any exhibits must be submitted to the Executive Officer not later than **November 9, 2012**. Failure to comply with this requirement is grounds for the Regional Board to refuse to admit the proposed written comment or exhibit into evidence (Title 23 CCR Section 648.2). If materials are not submitted in a timely manner, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of written testimony or exhibits not timely submitted, the Regional Board may refuse to admit it.

Should you have any questions, please telephone me at (213) 576-6718.

Sincerely,

J. MICHAEL LYONS
Staff Environmental Scientist

Enclosures

cc: Bill Orme, Non-point Source Unit, SWRCB
Jennifer Fordyce, Office of Chief Counsel, SWRCB
Larry Simon, California Coastal Commission (San Francisco)
Bill Paznokas, California Department of Fish and Game (San Diego)
Daniel Swenson, U.S. Army Corps of Engineers (Los Angeles)
Theresa Stevens, U.S. Army Corps of Engineers (Ventura)
Allan Ota, U.S. Environmental Protection Agency (San Francisco)
Thomas Kwan, U.S. Environmental Protection Agency (Los Angeles)
Carol Roberts, U.S. Fish and Wildlife Service (Carlsbad)
Bryant Chesney, National Marine Fisheries Service (Long Beach)
Kirsten James, Heal the Bay
Susie Santilena, Heal the Bay
Kathryn Curtis, Port of Los Angeles
Hugo Cisneros, Port of Los Angeles
Jan Green Rebstock, Port of Los Angeles

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

**ORDER NO. R4-2012-xxxx**

# WASTE DISCHARGE REQUIREMENTS FOR PORT OF LOS ANGELES (BERTHS 302-306 TERMINAL EXPANSION) (FILE NO. 12-060)

TENTATIVE

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

1. The Port of Los Angeles (POLA) has filed an application for Waste Discharge Requirements (WDRs) for dredging and disposal operations associated with the Berths 302-306 Terminal Expansion project in Los Angeles Harbor, Los Angeles County (Figure 1).

2. POLA proposes to redevelop and expand the Pier 300 area of Terminal Island, including the 291-acre existing APL Terminal area and a 56-acre expansion. Phase I activities associated with the Berth 306 Wharf and Backland consist of constructing 1,250 linear feet of new concrete wharf (extending the existing concrete wharf to the east) with Alternative Maritime Power facilities and new cranes, paving and infrastructure to support traditional/diesel-powered equipment operations, electric equipment operations, and potential automated operations within the new Berth 306 Backlands. Phase II construction will consist of terminal redevelopment of the existing terminal at Berths 302-305. However, those activities are not covered by the proposed WDRs.

3. POLA proposes to dredge a maximum of 20,000 cubic yards of material from the channel adjacent to the new wharf at Berth 306 to deepen the area to -55 feet mean lower low water plus 2 feet of overdredge. Existing water depths are in the low fifty-foot range.

   The 20,000 cubic yards of dredged material will be beneficially reused as construction material within the Berths 243-245 Confined Disposal Facility (CDF) within Los Angeles Harbor (Figure 3). This 8-acre CDF was created at the former Southwest Marine shipyard site. The CDF was approved for use in 2009 by the U.S. Army Corps of Engineers and the Los Angeles Contaminated Sediments Task Force for disposal of both clean and contaminated sediments as part of the Port of Los Angeles' Channel Deepening Project and has been utilized for that purpose.

Construction of the CDF involves placing contaminated dredged materials inside a diked area to create land. The CDF is being constructed by placing a rock containment dike across the opening of the former Southwest Marine dry dock slips. A barrier of clean sand is placed along the inside of the rock dike, contaminated dredged material is placed as fill material within the diked area, and the CDF ultimately is capped with clean material. This effectively sequesters the contaminated sediments from any contact with harbor waters.

4. In June/July 2010, sediment cores were collected from within each of three proposed dredging units (Figure 4). Composites were created for sediment chemistry analysis for each dredging unit: Composite Area A included material from cores A1, A2, A2 and A4; Composite Area B included material from cores B1, B3, B4 and B5; and Composite Area C included material from cores C1, C2, C3, C4 and C5. In addition, the individual cores were analyzed for trace metals to provide a more refined spatial characterization of the material in Composite Areas B and C. Composites also were created for toxicity testing for each dredging unit and for bioaccumulation testing for Composite Areas A and C.

   Grain size analyses for the three dredging units indicated that the material is fine-grained, comprised of predominantly silt and clay (ranging from 56.8 to 74.8 per cent silt-clay). Composite Areas A, B and C did not exceed the concentrations likely to cause toxicity (Effects Range-Median) to marine organisms for any trace metals or trace organic compounds (Table 1). All three composite areas exceeded the concentrations which possibly could cause toxicity (Effects Range-Low) to marine organisms for arsenic, copper and nickel (Table 1). Toxicity testing indicated that sediments from Composite Areas B and C were toxic to amphipods, suggesting that material from these two dredging units would not have been suitable for unconfined aquatic disposal (e.g., at the LA-2 ocean disposal site). Bioaccumulation testing with clams and worms suggested that sediments from Composite Area B would not have been suitable for unconfined aquatic disposal, while sediments from areas A and C may have been suitable. However, ocean disposal is not being proposed for any of this material, and the contaminant levels present do not pose any water quality problems given the proposed disposal within a confined disposal facility.

5. The United States Corps of Engineers (COE) issued permit 2008-00-544 for the Berth 156 dredging project and plans to reissue the permit following the adoption of waste discharge requirements by the Los Angeles Regional Board.

6. On June 7, 2012, the Los Angeles Board of Harbor Commissioners approved the final Environmental Impact Report/Environmental Impact Statement for the Berths 302-306 Container Terminal Project.

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Table 1.
Sediment Characteristics – Berths 302-306

| Parameter | Composite Area A | Composite Area B | Composite Area C | Sediment screening thresholds |
|---|---|---|---|---|
| Sand | 43.2 % | 23.8 % | 25.2 % | Not applicable |
| Silt | 40.1 % | 54.1 % | 56.2 % | Not applicable |
| Clay | 16.7 % | 22.1 % | 18.7 % | Not applicable |
| Silver | 0.163 ppm | 0.232 ppm | 0.196 ppm | ERL = 1 ppm ERM = 3.7 ppm |
| Arsenic | 8.9 ppm | 15.0 ppm | 14.5 ppm | ERL = 8.2 ppm ERM = 70 ppm |
| Cadmium | 0.38 ppm | 0.62 ppm | 0.53 ppm | ERL = 1.2 ppm ERM = 9.6 ppm |
| Chromium | 28.3 ppm | 38.7 ppm | 5.8 ppm | ERL = 81 ppm ERM = 370 ppm |
| Copper | 38.6 ppm | 50.8 ppm | 46.9 ppm | ERL = 8.2 ppm ERM = 70 ppm |
| Mercury | 0.137 ppm | 0.153 ppm | 0.144 ppm | ERL = 0.15 ppm ERM = 0.71 ppm |
| Nickel | 23.3 ppm | 31.6 ppm | 36.4 ppm | ERL = 20.9 ppm ERM = 51.6 ppm |
| Lead | 13 ppm | 19 ppm | 19 ppm | ERL = 46.7 ppm ERM = 218 ppm |
| Selenium | 0.631 ppm | 0.533 ppm | 0.758 ppm | Not available |
| Zinc | 96 ppm | 123 ppm | 117 ppm | ERL = 150 ppm ERM = 410 ppm |
| Total DDT | 14.6 ppb | 17.4 ppb | 16.0 ppb | ERL = 1.58 ppb ERM = 46.1 ppb |
| Total PCB | Not detected | Not detected | Not detected | ERL = 22.7 ppb ERM = 180 ppb |
| Total PAH | Not detected | Not detected | Not detected | ERL = 4022 ppb ERM = 44792 ppb |

ppm = parts per million; ppb = parts per billion; DDT = dichloro-diphenyl-trichloroethane; PCB = polychlorinated biphenyls; PAH = polynuclear aromatic hydrocarbons

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7. 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 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.

8. The beneficial uses of Los Angeles-Long Beach Harbor (All Other Inner Areas) are: industrial process supply, navigation, water contact recreation (potential), non-contact water recreation, commercial and sport fishing, marine habitat, shellfish harvesting (potential), and preservation of rare, threatened or endangered species (one or more species utilize waters or wetlands for foraging and/or nesting).

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 of Los Angeles 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 Los Angeles, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Requirements

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses.

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.

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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.

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B. Provisions

1. The Discharge Requirements specified above are valid only for dredging of a maximum of 20,000 cubic yards of sediment from the Berths 302-306 area and disposal of the dredged material at the Berths 243-245 Confined Disposal Facility, as described in Finding 3 above.

2. POLA shall notify the Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials or disposal operations; 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. POLA shall provide the following information to the Regional Board:

   a. A copy of the final permit issued by the United States Corps of Engineers for the dredge and disposal operations.

   b. The scheduled date of commencement of each dredging and disposal operation at least one week prior to initiation of dredging.

   c. Notice of termination of dredging and disposal operations, within one week following the termination date.

5. POLA shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with specifications prepared by the Executive Officer.

6. In accordance with section 13260(c) of the Water Code, POLA 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 POLA 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 and are subject to rescission or modification. All discharges of waste into waters of the State are privileges, not rights.

9. This Order includes Attachment N: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions") and the attached Monitoring and Reporting Requirements, both of which are incorporated herein by reference. If there is any conflict between provisions

stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said "Standard Provisions", the former shall prevail.

10. This Order fulfills the requirements for a Clean Water Act Section 401 Water Quality Certification for the proposed project. Pursuant to section 3860 of title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

    a. this certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with 23 CCR section 3867);

    b. this certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;

    c. this certification is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28, and owed by the applicant.

11. This Order shall expire on December 31, 2014.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 6, 2012.

SAMUEL UNGER
Executive Officer

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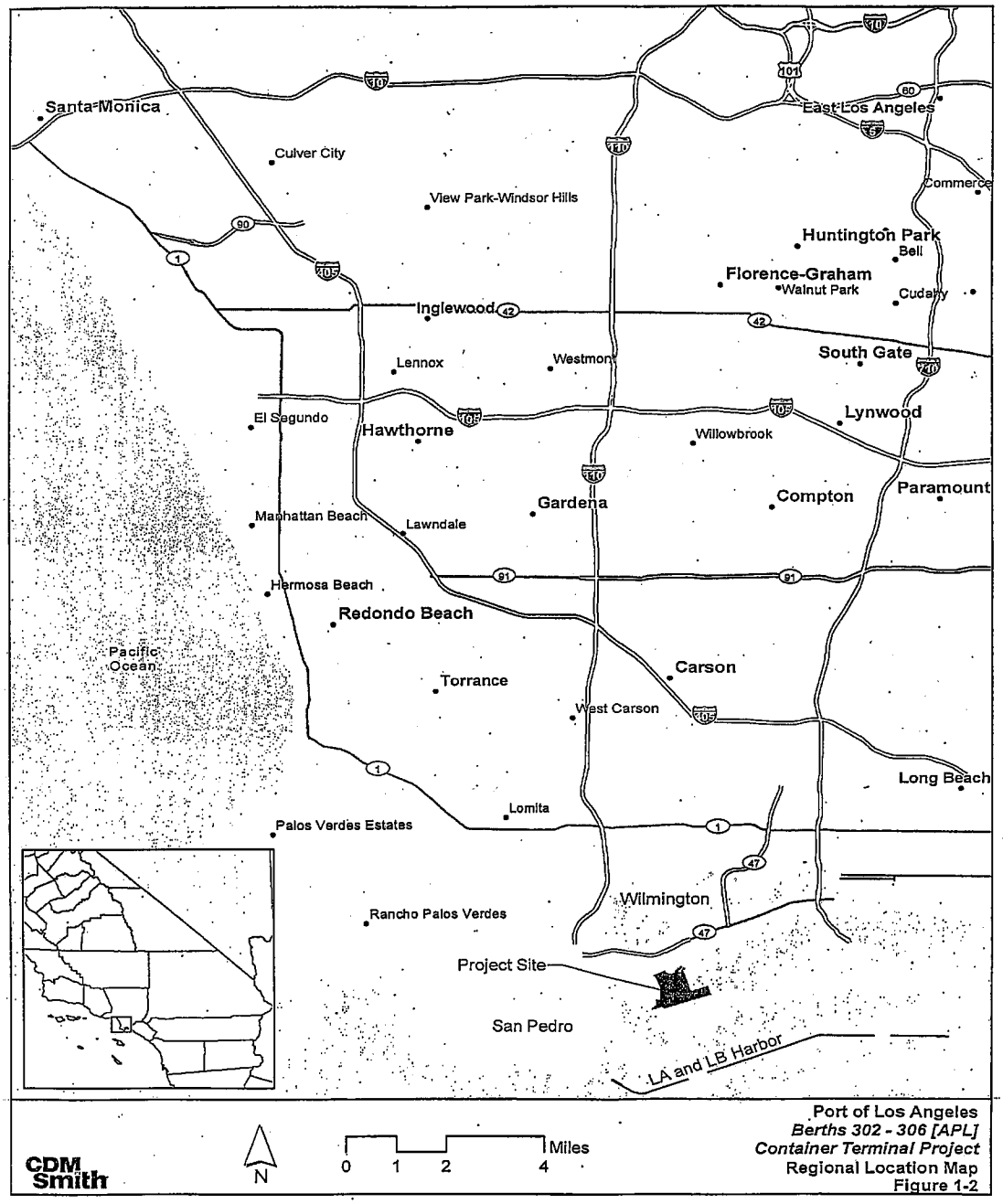


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Figure 1.
Location map for Berths 302-306 Terminal Expansion project in Los Angeles Harbor.

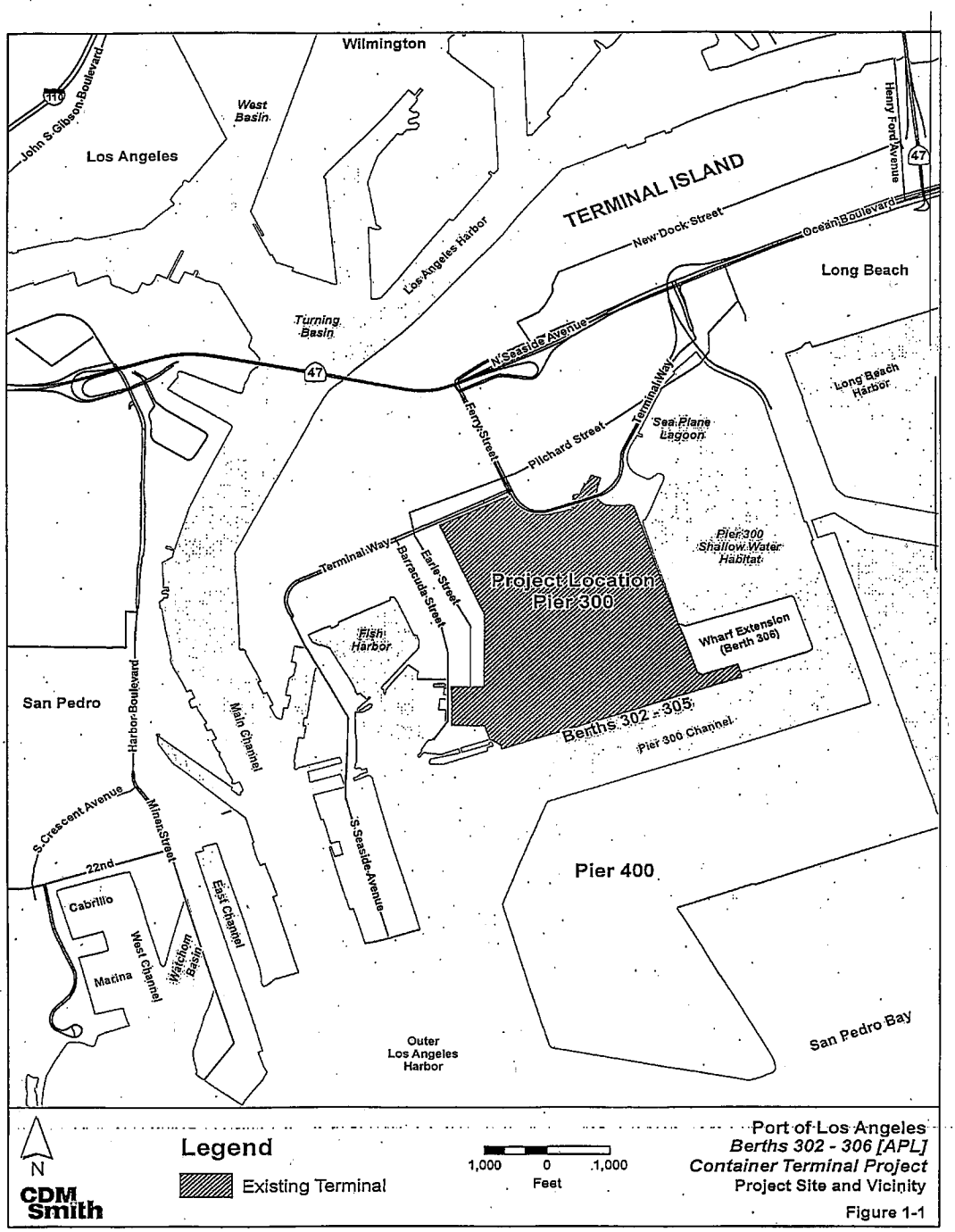


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Figure 2.
Location of Berths 302-306 Terminal Expansion project in Los Angeles Harbor.

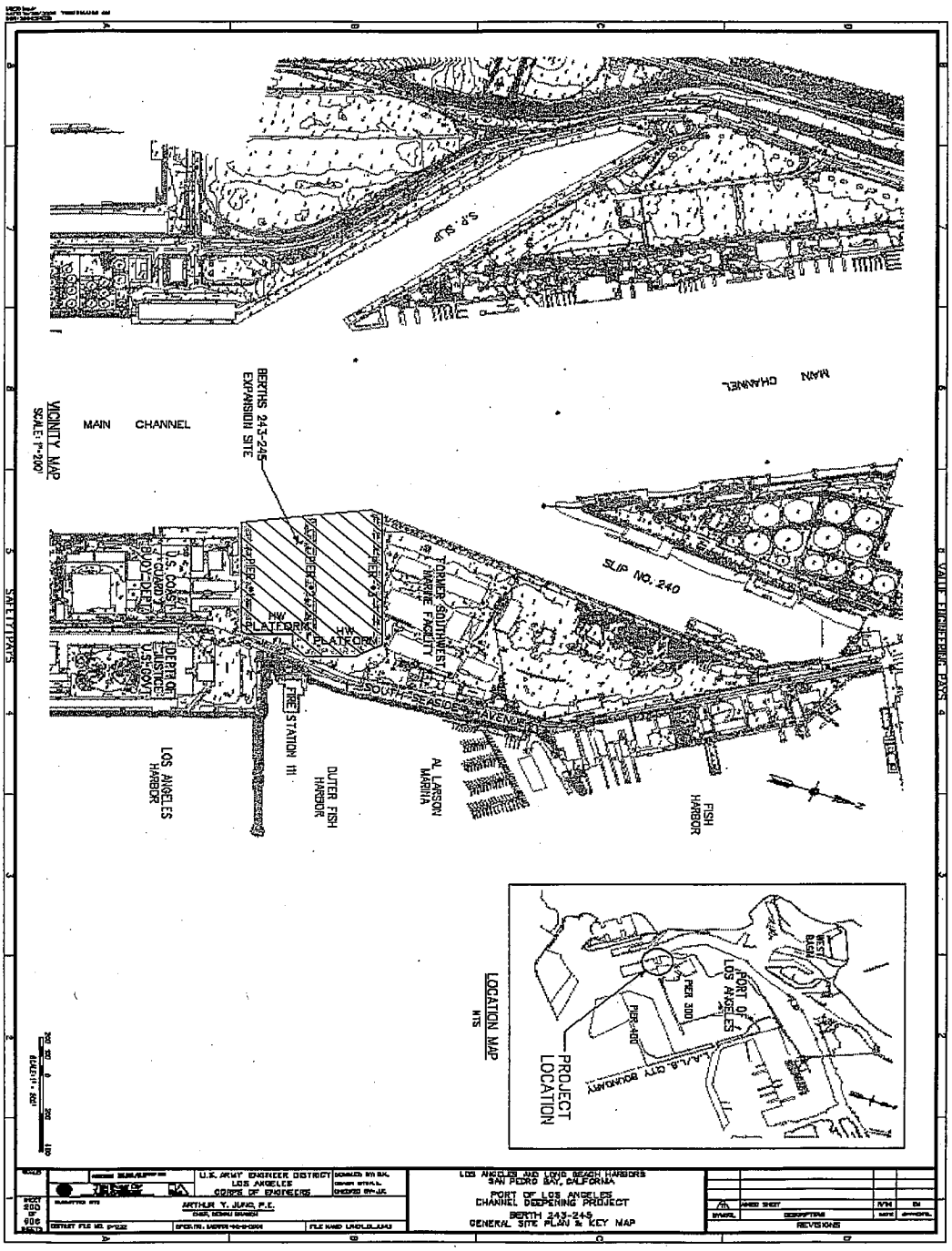


Figure 3.
Location of Berths 243-245 Confined Disposal Facility.

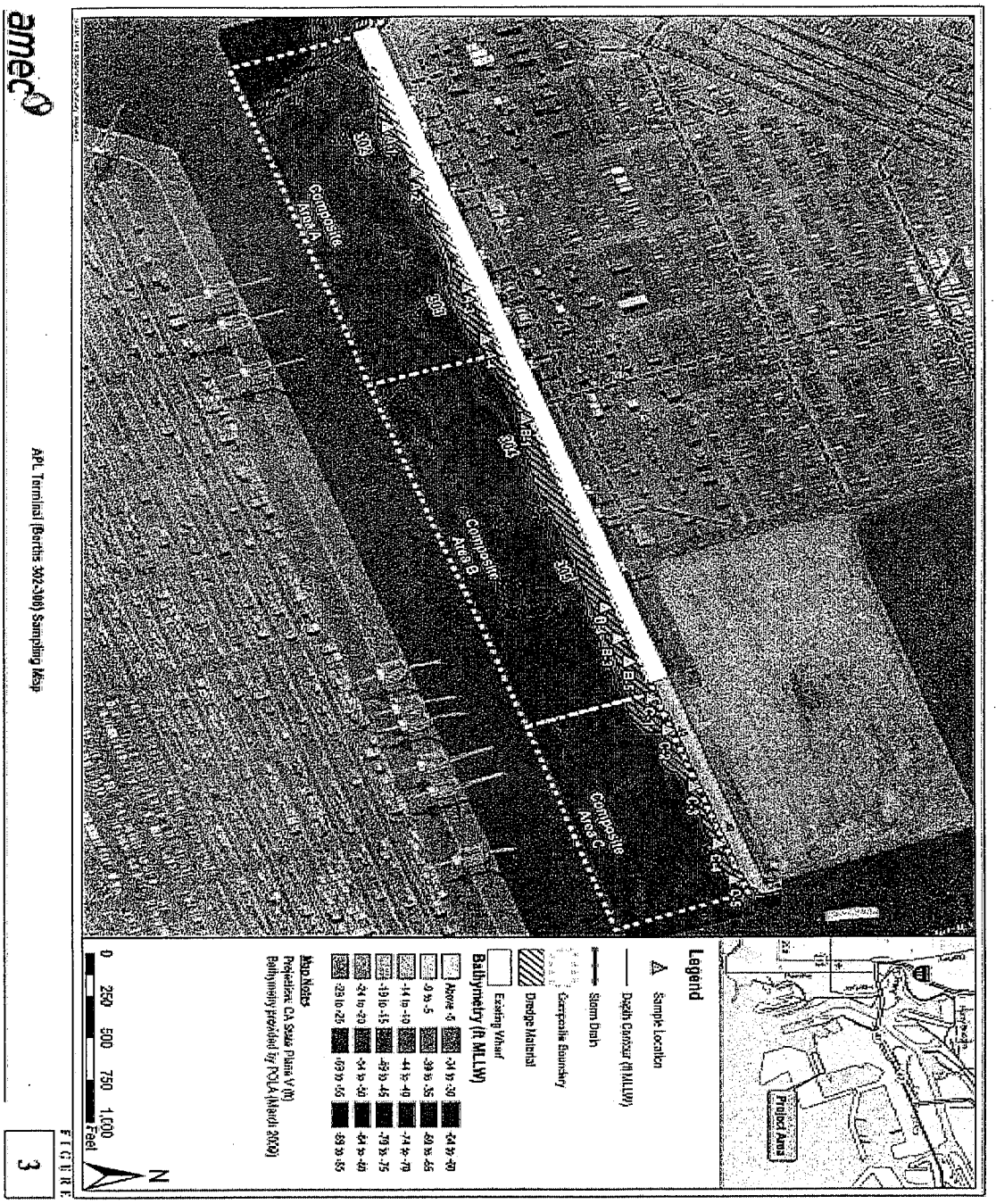


Figure 4. Dredging footprint and sediment sampling sites for Berths 302-306 Terminal Expansion project.



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

**MONITORING AND REPORTING PROGRAM NO. xxxx**
**FOR**
**PORT OF LOS ANGELES**
**(BERTHS 302-306 TERMINAL EXPANSION)**
**(FILE NO. 12-060)**

1. Receiving Water Monitoring

The following sampling protocol shall be undertaken by the Port of Los Angeles during the proposed dredging project. Sampling for the receiving water monitoring shall commence at least one week prior to the start of the dredging and fill operations and continue at least one week following the completion of all such operations. Sampling shall be conducted a minimum of once a week during dredging operations. Sampling shall be conducted down current of the dredge sites at least one hour after the start of dredging operations. All receiving water monitoring data shall be obtained via grab samples or remote electronic detection equipment. Receiving water samples shall be taken at the following stations:

| Station | Description |
|---|---|
| A | 30.5 meters (100 feet) up current of the dredging operations, safety permitting. |
| B | 30.5 meters (100 feet) down current of the dredging operations, safety permitting. |
| C | 91.5 meters (300 feet) down current of the dredging operations. |
| D | Control site (area not affected by dredging operations). |
| E | 15.2 meters (50 feet) from the return water discharge point. |

The following shall constitute the receiving water monitoring program:

Water Column Monitoring

| Parameters | Units | Station | Frequency |
|---|---|---|---|
| Dissolved oxygen[1] | mg/l | A-E | Weekly[2] |
| Light transmittance[1] | % Transmittance | " " | " |
| pH[1] | pH units | " " | " |
| Suspended solids[3] | mg/l | " " | " |

[1]Measurements shall be taken throughout the water column (at a minimum, at 2-meter increments).
[2]During the first two weeks of dredging, stations shall be sampled two times per week.
[3]Mid-depth shall be sampled.

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Water column light transmittance values from Stations C and D, as well as from Stations E and D, shall be compared for the near surface (1 meter below the surface), for mid-water (averaged values throughout the water column, excluding the near surface and bottom) and for the bottom (1 meter above the bottom). If the difference in % light transmittance between stations C and D, or between stations E and D, for the near surface or mid-water or bottom is 30% or greater, water samples shall be collected at mid-depth (or the depth at which the maximum turbidity occurs) and analyzed for trace metals, DDTs, PCBs and PAHs. At a minimum, one set of water samples shall be collected and analyzed for these chemical constituents during the maintenance dredging operation.

In the event that the water column light transmittance values from Stations C and D, or from Stations E and D, exceed the 30% trigger described above, the City of Long Beach shall conduct the standard water quality monitoring described above for three consecutive days following the date of exceedance. The Port of Los Angeles shall notify the Regional Board, the California Coastal Commission, the United States Environmental Protection Agency and the United States Army Corps of Engineers within 24 hours following observance of the transmissivity exceedance. The Port of Los Angeles shall investigate whether the exceedance is due to obvious dredging operational problems and can be corrected easily and quickly. However, if the turbidity problem persists or recurs, the Port of Los Angeles shall look for other causes of the problem and evaluate whether additional, more aggressive best management practices are required to eliminate the exceedances; this evaluation shall be performed in consultation with the four regulatory agencies listed above.

Color photographs shall be taken at the time of sampling to record the presence and extent of visible effects of dredging operations. These photographs shall be submitted with the receiving water monitoring reports.

The Port of Los Angeles shall provide Regional Board staff with a receiving water monitoring program field schedule at least one week prior to initiating the program. Regional Board staff shall be notified of any changes in the field schedule at least 48 hours in advance.

2. Observations

The following receiving water observations shall be made and logged daily during dredging or excavating operations:

a. Date and time;
b. Direction and estimated speed of currents;
c. General weather conditions and wind velocity;
d. Tide stage;
e. Appearance of trash, floatable material, grease, oil or oily slick, or other objectionable materials;
f. Discoloration and/or turbidity;

g. Odors;
h. Depth of dredge operations during previous day;
i. Amount of material dredged the previous day;
j. Cumulative total amount of material dredged to date.

3. General Provisions

All sampling, sample preservation, and analyses shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" promulgated by the United States Environmental Protection Agency.

All chemical analyses shall be conducted at a laboratory certified for such analysis by the California Department of Public Health, Environmental Laboratory Accreditation Program (ELAP), or approved by the Executive Officer.

The Port of Los Angeles shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to insure accuracy of measurements, or shall insure that both activities will be conducted by third parties under Port of Los Angeles supervision.

A grab sample is defined as an individual sample collected in fewer than 15 minutes. All samples shall be representative of the waste discharge under normal operating conditions.

5. Reporting

Monitoring reports shall be submitted within 10 days following each weekly sampling period. In reporting, the Port of Los Angeles shall arrange the monitoring data in tabular form so that dates, time, parameters, test data, and observations are readily discernible. The data shall be summarized to demonstrate compliance with the waste discharge requirements. A final report, summarizing the results of the weekly monitoring and reporting the total volume discharged, shall be submitted within one month of completion of the project.

Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

Each monitoring report must affirm in writing that:

> All analyses were conducted at a laboratory certified for such analyses by the California Department of Public Health or approved by the Executive Officer and in accordance with current EPA guidelines or as specified in the Monitoring Program.

For any analysis preformed for which no procedure is specified in the EPA guidelines or in the Monitoring Program, the constituent or parameter analyzed and the method or procedure used must be specified in the report.

6. General Provisions for Reporting

For every item where the requirements are not met, the Port of Los Angeles shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Executed on the_____day of_____, 20___,
at _____.

_____(Signature)

_____(Title)"

These records and reports are public documents and shall be made available for inspection during business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by:

_____
Samuel Unger, P.E.
Executive Officer

Date: December 6, 2012