

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

ORDER NO. R4-2008-XXXX

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

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

1. The Port of Long Beach (POLB) filed an application for renewal of Waste Discharge Requirements contained in Regional Board Order No. R4-2003-0098, adopted on July 10, 2003, for maintenance dredging activities within Long Beach Harbor (Figure 1). Due to shoaling and sedimentation along wharves and channels in the harbor, dredging is necessary to restore water depths to their authorized depths in order to maintain safe and adequate water depths for ships within the Long Beach Harbor District.
2. Order No. R4-2003-0098 authorized the POLB to dredge approximately 200,000 cubic yards of material over a five-year period to respond to shoaling and sedimentation problems as necessary at various berths in the Inner Harbor, Middle Harbor, Southeast Basin and Outer Harbor. The volume of dredged material could not exceed 40,000 cubic yards per year. Over the past five years, POLB dredged approximately 43,000 cubic yards of sediment from the Back Channel and Berths J245-247.
3. POLB has requested renewal of the waste discharge requirements with the same basic provisions concerning the volume of sediment that can be dredged annually and over a five-year period, testing requirements, notification procedures and reporting requirements. POLB proposes to use similar disposal alternatives to those identified in Order No. R4-2003-0098.
4. POLB will conduct the appropriate sediment characterization tests (e.g., sediment chemistry analyses, sediment toxicity or bioaccumulation testing) prior to evaluating the suitability of the material for beneficial re-use and selecting a suitable disposal alternative for a given maintenance dredging project. POLB proposes to dispose of sediments in one of the following ways: 1) disposal within a constructed fill within the POLB (land disposal site for clean or contaminated sediments); 2) disposal at an upland site within the POLB (land disposal site for clean or contaminated sediments); 3) disposal at the Western Anchorage Dredged Material Beneficial Reuse and

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Disposal Site (aquatic disposal site for clean sediments); or 4) disposal at the LA-2 offshore designated dredged material disposal site (aquatic disposal site for clean sediments).

POLB has identified three constructed fill or upland sites which could be used for disposal of dredged material:

- Pier G North Slip Fill – The fill site is located at the north end of the Pier G Slip, near Berths G229-233. A rock containment dike will be constructed at the fill site and clean sand will be placed behind the rock dike. The Pier G Slip landfill will be designed to effectively contain chemically contaminated materials and to control runoff of decant water from the settling of dredged material at the site. Any contaminated sediments placed at this site will be capped and sequestered by the placement of uncontaminated materials on top and at the sides.
 - Middle Harbor Redevelopment Slip and Basin Fill – The Middle Harbor Redevelopment Project involves the fill of the Pier E Slip No. 1 and a portion of the East Basin. A containment dike will be constructed at the southern boundary of Slip No. 1 and from Pier E, Berth E24 to Pier F, Berth F10. The containment dikes will be designed to effectively contain chemically contaminated materials and to control runoff of decant water from the settling of dredged material at the site. Any contaminated sediments placed at this site will be capped and sequestered by the placement of uncontaminated materials on top and at the sides.
 - Pier S Upland Processing Area – Dredged material may be placed upland at Pier S, Berth S108 for processing. Material would be placed temporarily at this site within a retention berm for sorting and drying of the material prior to disposal at an approved upland disposal facility. A discharge weir would help to regulate the flow of decant water from the confined area. Once the material has been dried and sorted, scrap steel will be recycled and rock will be crushed into miscellaneous road base. Non-recyclable debris and materials will be disposed of at upland disposal facilities appropriate for the type of debris generated.
5. POLB has applied to the U.S. Army Corps of Engineers (COE) for a new five-year maintenance dredging permit with the same conditions contained within the previous permit. The COE is expected to issue a final permit following the adoption of Waste Discharge Requirements by the Los Angeles Regional Water Quality Control Board.
6. On July 10, 2008, POLB filed a Notice of Exemption under the California Environmental Quality Act for the Port of Long Beach Maintenance Dredging Project.

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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 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 the Los Angeles-Long Beach inner harbor and marina waters are: industrial service supply, navigation, water contact recreation (potential), non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare, threatened and endangered species, and shellfish harvesting (potential). The beneficial uses of the outer harbor waters are: navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, preservation of rare, threatened and endangered species, and shellfish harvesting (potential).
9. POLB filed a Notice of Exemption (Categorical Exemption, class 4, 14 CCR section 15304, Minor Alterations to Land) for maintenance dredging operations within Long Beach Harbor on October 13, 2008, pursuant to Public Resources Code section 21000 et seq.
10. 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.
11. 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 Long Beach and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

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

IT IS HEREBY ORDERED that the Port of Long Beach, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

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A. Discharge Requirements

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses, in particular those identified in Finding number 7 above.
2. Enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.
3. The natural taste and odor of fish, shellfish or other enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.
4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.
5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.
6. POLB shall conduct the monitoring required and comply with the reporting requirements outlined in the attached Monitoring and Reporting Program, which is incorporated by reference as part of these Waste Discharge Requirements.
7. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:
 - a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.
 - b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.
 - c. Discoloration outside the immediate area of operation.
 - d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.

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- e. Objectionable odors emanating from the water surface.
- f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the immediate area of operation.
- g. Any condition of pollution or nuisance.

B. Provisions

1. The Discharge Requirements specified above are valid only for dredging of a maximum volume of 40,000 cubic yards of sediment per year and a maximum volume of 200,000 cubic yards of sediment over a five-year period, and disposal of dredged material at the Pier G North Slip Fill, the Middle Harbor Redevelopment Slip and Basin Fill, the Pier S Upland Processing Area, the Western Anchorage Dredged Material Beneficial Re-Use and Disposal Site, or the LA-2 offshore ocean disposal site.
2. POLB shall manage the Pier G Slip landfill site, Middle Harbor Redevelopment Slip and Basin Fill site, and Pier S Upland Processing Area, as well as any additional disposal sites approved by the Executive Officer, to effectively contain chemically contaminated materials and to prevent migration of contaminants from the disposal sites into State waters.
3. Prior to disposal of dredged material at a constructed fill site or upland site, other than the Pier G North Slip Fill, the Middle Harbor Redevelopment Slip and Basin Fill or the Pier S Upland Processing Area, POLB shall request and obtain written approval from the Executive Officer. A request for land disposal at a new site, including appropriate supporting documentation, shall be submitted at least 60 days prior to the anticipated commencement of any dredging or disposal operations.
4. Prior to disposal of dredged material at the POLB's Western Anchorage Dredged Material Beneficial Re-Use and Disposal Site, the Port shall request and obtain written approval from the Executive Officer. A request for aquatic disposal at this site, including appropriate supporting documentation, shall be submitted at least 60 days prior to the anticipated commencement of any dredging or disposal operations.
5. Prior to disposal of dredged material at the LA-2 offshore disposal site, POLB shall obtain written approval from the United States Environmental Protection Agency. A copy of this written approval, as well as any chemical,

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

6. POLB shall notify the Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials; written confirmation by POLB to the Regional Board shall follow within one week.
7. A copy of this Order shall be made available at all times to project construction personnel.
8. POLB shall provide the following information to the Regional Board:
 - a. A copy of the final permit issued by the Department of the Army for the dredge and disposal operations.
 - b. The scheduled date of commencement of each dredging operation and an engineering plan and profile of the excavation and the disposal site at least two weeks prior to commencement.
 - c. Notice of termination of the operation, within one week following the termination date.
9. POLB shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with specifications prepared by the Executive Officer.
10. In accordance with section 13260(c) of the Water Code, POLB shall file a report of any material change or proposed change in the character, location, or volume of the waste.
11. These requirements do not exempt POLB 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.
12. 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.

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13. 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.
14. 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.

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15. This Order shall expire on December 31, 2013.
16. This Order rescinds the requirements and provisions of Regional Board Order No. R4-2003-0098, except for enforcement purposes.

I, Tracy J. Egoscue, 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 11, 2008.

TRACY J. EGOSCUE
Executive Officer

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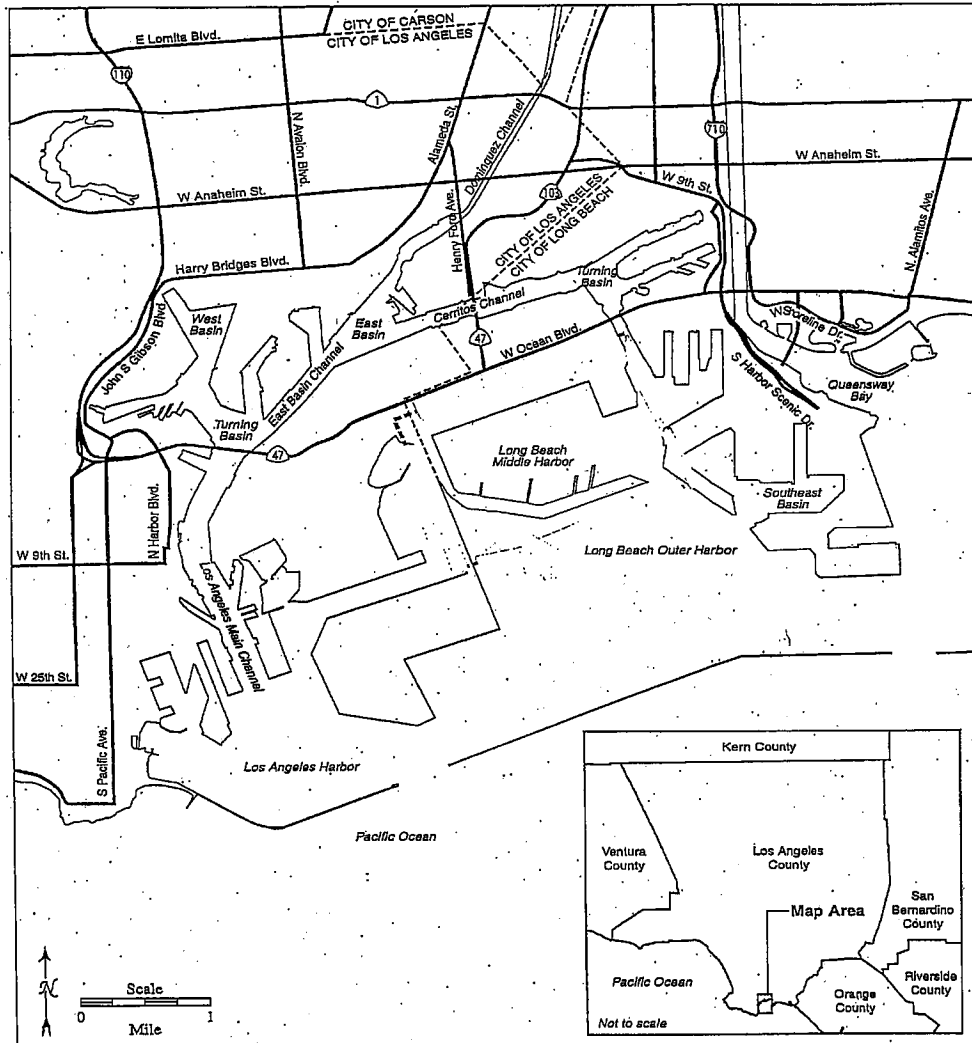


Figure 1. Project Vicinity Map

Figure 1. Port of Long Beach.

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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 LONG BEACH
(FORMER LONG BEACH NAVAL COMPLEX
INSTALLATION RESTORATION SITE 7 DREDGING PROJECT)
(FILE NO. 08-133)

1. Receiving Water Monitoring

The following sampling protocol shall be undertaken by the Port of Long Beach (POLB) 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:

<u>Station</u>	<u>Description</u>
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).

The following shall constitute the receiving water monitoring program:

<u>Water Column Monitoring</u>			
<u>Parameters</u>	<u>Units</u>	<u>Station</u>	<u>Frequency</u>
Dissolved oxygen ¹	mg/l	A-D	Weekly ²
Light transmittance ¹	% Transmittance	" "	"
pH ¹	pH units	" "	"
Suspended solids ³	mg/l	" "	"

¹Measurements shall be taken throughout the water column (at a minimum, at 2-meter increments).

²During the first two weeks of dredging, stations shall be sampled two times per week.

³Mid-depth shall be sampled.

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Water column light transmittance values from Stations C 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 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 exceed the 30% trigger described above, POLB shall conduct the standard water quality monitoring described above for three consecutive days following the date of exceedance. POLB 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. POLB 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 POLB 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.

POLB 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;

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- 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 State Department of Health Services, Environmental Laboratory Accreditation Program (ELAP), or approved by the Executive Officer.

POLB 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 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.

4. Reporting

Monitoring reports shall be submitted within 10 days following each weekly sampling period. In reporting, POLB 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 Department of Health Services or approved by the Executive Officer and in accordance with current EPA guidelines or as specified in the Monitoring Program.

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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.

5. General Provisions for Reporting

For every item where the requirements are not met, POLB 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:

TRACY J. EGOSCUE
Executive Officer

Date: December 11, 2008

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