

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

ORDER NO. R4-2003-0097

**WASTE DISCHARGE REQUIREMENTS
FOR
VENTURA PORT DISTRICT
(MAINTENANCE DREDGING)
(FILE NO. 76-59)**

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

1. The Ventura Port District (the Port) filed an application for renewal of the Waste Discharge Requirements contained in Regional Board Order No. 99-020, adopted on April 22, 1999, for routine maintenance dredging operations in Ventura Harbor, City of Ventura (Figure 1).
2. Maintenance dredging is necessary to remove accumulated sediment from the harbor bottom to secure the minimum depth required for navigation safety and the continued use of recreational facilities. Order No. 99-020 authorized the Port to dredge up to 85,000 cubic yards of bottom sediments per year from the navigation channels, berthing areas and sand traps within the inner harbor (Figures 2 and 3). Chemical analyses demonstrated that the sediments to be dredged from the inner harbor did not contain elevated levels of trace metals or organic contaminants. This dredged material was approved for disposal within the surf zone near the mouth of the Santa Clara River (Figure 4), provided that the river is flowing at a rate of 100 cubic feet per second or greater, or within any of three depressions identified within the interior portion of the harbor (Figure 3).
3. The existing Waste Discharge Requirements do not specifically provide for the discharge of fine-grained material into a 4,000-foot section of the nearshore area adjacent to McGrath State Beach (Figure 5). Therefore, the Port has requested a modification to indicate clearly that material dredged from the inner harbor portions of Ventura Harbor may be deposited into a nearshore deposition area offshore of McGrath State Beach to provide consistency with the California Coastal Commission's Coastal Development Permit and the United States Corps of Engineers' Maintenance Dredging Permit.
4. The Port has requested renewal of the Waste Discharge Requirements contained in Order No. 99-020, which expired on June 30, 2003, with the modification cited above. The Port proposes to dredge up to 85,000 cubic yards of bottom sediments per year

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from the Ventura Harbor, and dispose of the dredged material in one of the following locations: within the surf zone near the mouth of the Santa Clara River, within one of three depositions inside the harbor, or within the nearshore deposition area offshore of McGrath State Beach.

5. The Port plans to conduct sediment characterization tests (e.g., grain size and sediment chemistry analyses) at least once every three years to confirm that the material to be dredged would be suitable for disposal as proposed.
6. The United States Corps of Engineers issued Permit Number 945048100-TW on November 22, 2000, for maintenance dredging operations in the Ventura Harbor. The California Coastal Commission issued Coastal Development Permit 4-01-143 on April 26, 2002, for this maintenance dredging program.
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 Ventura Harbor and the Santa Clara River Estuary. 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 Ventura Harbor waters are: industrial service supply, navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, wildlife habitat, and shellfish harvesting. The beneficial uses of the Santa Clara River Estuary waters are: navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, estuarine habitat, marine habitat, wildlife habitat, wetland habitat, preservation of rare and endangered species, migration of aquatic organisms and spawning, reproduction and/or early development of aquatic organisms. The beneficial uses of Ventura County Coastal nearshore waters are: industrial service supply, navigation, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, wildlife habitat, preservation of rare and endangered species, migration of aquatic organisms, spawning, reproduction and/or early development of aquatic organisms, preservation of biological habitats, and shellfish harvesting.
9. The Port has determined that the proposed project is categorically exempt from further environmental review under the California Environmental Quality Act under California Code of Regulations, title 14, section 15301, because the dredging activities are part of the ongoing operation and maintenance of existing public facilities.
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 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 Ventura Port District, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Requirements

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses, in particular those identified in Finding number 6 above.
2. Enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.
3. The natural taste and odor of fish, shellfish or other enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.
4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.
5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.
6. The Port shall conduct the monitoring required and comply with the reporting requirements outlined in the attached Monitoring and Reporting Program, which is incorporated by reference as part of these Waste

Discharge Requirements.

7. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:
 - a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.
 - b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.
 - c. Discoloration outside the immediate area of operation.
 - d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.
 - e. Objectionable odors emanating from the water surface.
 - f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the immediate area of operation.
 - g. Any condition of pollution or nuisance.

B. Provisions

1. The Discharge Requirements specified above are valid only for dredging and disposal of a maximum volume of 85,000 cubic yards of sediment per year as proposed by the Port.
2. The Port may dispose of dredged material for beach replenishment purposes below the Mean Higher High Water level provided that it meets the following conditions: a) the dredged material is composed of predominately sand, in which an average of 91% or greater of the material is retained on a Standard U.S. Sieve Size No. 200; b) the dredged material does not contain elevated concentrations of trace metals or trace organics.
3. The Port may dispose of dredged material in the surf zone within 200 feet of the mouth of the Santa Clara River (Figure 2) provided that it meets the

following conditions: a) the river is flowing at a rate of 100 cubic feet per second or greater; b) the dredged material is composed of predominately fine-grained sediments, in which an average of 90% or less of the material is retained on a Standard U.S. Sieve Size No. 200; c) the dredged material does not contain elevated concentrations of trace metals or trace organics.

4. The Port may dispose of material dredged from the inner harbor in any of the three identified deposition areas within the harbor (Figure 3) provided that it meets the following conditions: a) the dredged material is composed of predominately fine-grained sediments, in which an average of 90% or less of the material is retained on a Standard U.S. Sieve Size No. 200; b) the dredged material does not contain elevated concentrations of trace metals or trace organics.
5. The Port may dispose of dredged material in a 4,000-foot zone of the nearshore area adjacent to McGrath State Beach (Figure 5), just south of the mouth of the Santa Clara River, provided that it meets the following conditions: a) the dredged material is composed of predominately fine-grained sediments, in which an average of 90% or less of the material is retained on a Standard U.S. Sieve Size No. 200; b) the dredged material does not contain elevated concentrations of trace metals or trace organics.
6. The Port shall notify this Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials; written confirmation by the Port to the Regional Board shall follow within one week.
7. A copy of this Order shall be made available at all times to project construction personnel.
8. The Port shall provide the following information to the Regional Board:
 - a. The scheduled date of commencement of each dredging operation and an engineering plan and profile of the excavation and the disposal site at least two weeks prior to commencement.
 - b. Notice of termination of the operation, within one week following the termination date.
9. The Port 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, the Port 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 the Port from compliance with any other laws, regulations, or ordinances which may be applicable: they do not legalize this waste discharge, and they leave unaffected any further restraint on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
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.
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.

- 15. This Order shall expire on June 30, 2008.
- 16. This Order rescinds Regional Board Order No. 99-020, except for enforcement purposes.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on July 10, 2003.

DENNIS A. DICKERSON
Executive Officer

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