

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION 89-130

Proposed Amendment to Water Quality Control Plan, San Francisco Bay Region on Regulation of Dredged Sediment Disposal in the San Francisco Bay Region

WHEREAS, The California Regional Water Quality Control Board, San Francisco Bay Region (Regional Board) has, in Resolution No. 80-10, stated its policy with respect to dredged sediment disposal in San Francisco Bay; and

WHEREAS, The Regional Board has stated its intent to revise its dredged sediment disposal policy in its Water Quality Control Plan, San Francisco Bay Basin adopted in 1986; and

WHEREAS, The State Water Resources Control Board (State Board) has circulated a draft Pollutant Policy Document as part of the State Board's Bay-Delta Hearing process; and

WHEREAS, The Regional Board will consider amendment of this policy to include any additional control strategies identified in the final Pollutant Policy Document adopted by the State Board; and

WHEREAS, The Regional Board developed revisions to the Dredged Sediment Disposal Policy and held public hearings on February 15, 1989, May 17, 1989 and July 19, 1989; and

WHEREAS, The Regional Board prepared an environmental checklist assessing significant environmental impacts and alternatives in compliance with Public Resources Code Section 21000 et. seq. (CEQA) and found that no significant adverse environmental impacts would result from implementation of the proposed Basin Plan amendment; and

WHEREAS, The proposed Basin Plan amendment is consistent with the requirements of the Clean Water Act, as amended,

THEREFORE BE IT RESOLVED, That Chapter 4 of the Basin Plan under the heading Dredging and Dredge Spoil Disposal be amended as follows:

"The long-term solutions to these problems include complete re-evaluation of the Board's dredge disposal policy, investigation of new ocean disposal sites (which the Corps is commencing), and reviewing both the ocean and inland disposal criteria. Completion of these actions may require one to two years or more. Therefore, interim action by the Board is necessary to protect the beneficial uses of the Bay from the effects of dredging. For all new dredging proposals, the Board will require:

- 1- Analyses of the sediments to be dredged for the pollutants listed in Table III-2A, PCB's, and pesticides according to EPA method 600, and
- 2- Bioassays as specified by the Board, and
- 3- Identification of the costs of ocean and upland disposal compared to the proposed disposal option."

The Board will require these measures through its certification of Corps of Engineers permits.

During the last few years, concern over the potential impacts of dredged sediment disposal in San Francisco Bay has increased substantially, and subsequently regulatory agencies have begun to re-examine their existing policies. Regional Board current policy is contained in Resolution 80-10 which defers to the U.S. Army Corps of Engineers' (Corps) for dredged sediment regulation and management in the San Francisco Bay Region. The Regional Board during their triennial review of the Basin Plan in 1986 stated their intention to update and revise the Regional Board's dredged sediment disposal policy for San Francisco Bay. During the triennial review, the Regional Board recognized that periodic dredging is necessary to maintain the beneficial use presented by navigation and other water dependent activities. The Regional Board also stated their intention to institute a more rigorous testing program to determine the suitability of dredged sediment for unconfined aquatic disposal in San Francisco Bay.

In September of 1988, Regional Board staff circulated and presented an issue paper entitled "A Review of Issues and Policies Related to Dredge Spoil Disposal in San Francisco Bay" to the Regional Board. The issue paper discusses the major environmental concerns posed by dredged sediment disposal in San Francisco Bay, namely: (1) mounding at the Alcatraz disposal site has posed navigational hazards in the past and has the potential to alter circulation patterns in the Bay; (2) the disposal of increasingly large amounts of material has the potential to alter benthic and shoreline habitats and to increase water column turbidity; and (3) the resuspension of dredged sediments may increase contaminant bioavailability.

The issue paper presented a range of alternative strategies for the Regional Board to consider. Public and agency testimony was received by the Regional Board during hearings on September 15, 1988 and October 19, 1988. Agencies testifying included the Corps, U.S. Environmental Protection Agency (EPA), and California Department of Fish and Game (CDFG). In the issue paper, Regional Board staff recommended that the Regional Board consider adopting quantity and quality limits for the disposal of dredged sediment at unconfined aquatic disposal sites within San Francisco Bay. Such restrictions would provide a means of managing disposal site capacity and limiting cumulative water quality impacts.

The following will be the Regional Board's policy regarding Dredging and Dredged Sediment Disposal in San Francisco Bay:

1. All aquatic disposal of dredged sediment from new work shall be prohibited in San Francisco Bay. This prohibition shall take effect on December 31, 1991. For the purposes of this policy, new work shall include any modification that expands the character, scope, or size of the existing, authorized project. Maintenance work shall refer to periodic dredging which is necessary for the continued use of existing waterways, ports, harbors, or marinas. For example, new work would include the following activities: excavation below current design depth; excavation to accommodate new construction; or the

widening of channels or berths to accommodate larger vessels.

The designation of an ocean disposal site by the EPA and Corps, under Section 102 of the Marine Research, Sanctuaries, and Protection Act, is scheduled for completion by December 31, 1991. There are several key tasks which require completion in order to meet the scheduled completion date. These "milestone dates" will be monitored by the Regional Board in order to address the effectiveness of the ocean disposal site designation process. Progress reports on the ocean disposal site designation will be presented to the Regional Board in January and July of each calendar year. The "milestone dates" and associated tasks are as follows:

<u>Tasks</u>	<u>Dates</u>
Initiate Ocean Studies(Workplan)	15 July 1989
Initiate Ocean Field Studies	Forthwith
Zone of Siting Feasibility	1 June 1990
Draft EIS (to Washington, D.C.)	12 March 1991
Final EIS (to Washington, D.C.)	5 November 1991

Source: Preliminary Draft Scope of Services for the Preparation of a 102 Ocean Dumping Site EIS. Environmental Protection Agency/Corps of Engineers, March 1, 1989.

2. The Regional Board recognizes that the continued disposal of maintenance work will require a demonstration that there are no significant or irreversible impacts occurring from the disposal of maintenance dredged material in San Francisco Bay. The Regional Board recognizes the Corps expertise in this area and encourages the Corps to coordinate the Demonstration Program. The Regional Board will participate in the development and review of the Demonstration Program prior to adopting further restrictions on dredged material disposal.
3. Dredged material disposal in San Francisco Bay shall be restricted to bay sediment.
4. The following volume targets shall be utilized each calendar year (i.e. January to December) at each aquatic disposal site:

Alcatraz Island (SF-11)	4.0 million cubic yards
San Pablo Bay (SF-10)	0.5 million cubic yards
Carquinez Straits (SF-09)	2.0 million cubic yards (NY)
	3.0 million cubic yards (WY)

Water year classification are designated by the California Department of Water Resources (DWR). The DWR water year classification is based on unimpaired flows as defined in the State Water Resources Control Board's Water Rights Decision 1485. An examination of disposal patterns at all aquatic disposal sites in San Francisco Bay revealed that the Carquinez Straits area may be influenced by wet weather events. The volume targets

for the Carquinez Straits disposal site are 3.0 million cubic yards for wet and above normal years (WY) and 2.0 million cubic yards for all other year classification (NY).

In addition, the Regional Board establishes a volume target of 0.2 million cubic yards per year for the Suisun Bay Channel disposal site and restricts it's use to Corps maintenance dredging. The San Francisco Bar site is used for disposal of material from the bar channel. The use of the San Francisco Bar disposal site is strictly regulated under the Marine Research, Sanctuaries and Protection Act.

5. The following volume targets shall be utilized on a monthly basis at each aquatic disposal site:

Alcatraz Island (SF-11)	
October - April	1.0 million cubic yards
May - September	0.3 million cubic yards
San Pablo Bay (SF-10)	
Any month	0.5 million cubic yards
Carquinez Straits (SF-9)	
Any month	1.0 million cubic yards

These maximum monthly targets apply in addition to the targets set forth in paragraph 4 above.

6. The Regional Board will consider denial of water quality certification for any project proposing to place material at a disposal site for which the annual or monthly volume target has been exceeded. Small project proponents may apply for an exemption to monthly or annual volume targets and prohibition for new work disposal in San Francisco Bay. A small project is defined as a facility or project whose design depth does not exceed -12 feet Mean Lower Low Water (MLLW). The project proponent must demonstrate:
- that the additional burden placed upon the applicant would be inordinate relative to the beneficial uses protected; and
 - that the proposed discharge is less than 20,000 cubic yards in one year and not to exceed 50,000 cubic yards over five years.
7. The Regional Board's Executive Officer will continue to require technical data according to the "Interim Testing Procedures for Evaluating Dredged Material Suitability for Disposal in San Francisco Bay". The Executive Officer will periodically review and update the Testing Procedure. The Executive Officer may require additional data collection beyond the tiered-testing procedures on a case-by-case basis
8. The Regional Board will consider issuing waste discharge requirements for individual dredging projects unless the Executive Officer has waived such requirements in accordance with Resolution No. 83-3.
9. The Regional Board will restrict dredging or dredge disposal activities

during certain periods in order to protect the beneficial uses of San Francisco Bay. These beneficial uses include water contact recreation, ocean commercial and sport fishing, marine habitat, fish migration, fish spawning, shellfish harvesting, and estuarine habitat. These restrictions may include but are not limited to:

- a. Dredging activities from December through February in selected sites along the waterfront where Pacific Herring are known to spawn; and
- b. Disposal activities at the Carquinez Straits site during spring and fall in order to protect Striped Bass and Salmon migrations.

The Regional Board shall continue to encourage land and ocean disposal alternatives whenever practical. The Regional Board will implement these measures through its issuance of Waste Discharge Requirements, Water Quality Certification under Section 401 of the Clean Water Act or other orders. In addition, the Regional Board will require pre-and post-dredge surveys to determine disposal volumes."

BE IT FURTHER RESOLVED, This Regional Board strongly urges the U.S. Environmental Protection Agency and the Corps to expedite the ocean disposal site designation process.

BE IT FURTHER RESOLVED, This Regional Board adopts the policies set forth within this document and rescinds Resolution No. 80-10.

BE IT FURTHER RESOLVED, The State Water Resources Control Board is requested to approve the proposed policy in accordance with Sections 13245 and 13246 of the California Water Code.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on July 19, 1989.



STEVEN R. RITCHIE
Executive Officer