

CALIFORNIA COASTAL COMMISSION

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Tulda

June 18, 1997

TO: Commissioners and Interested Parties

FROM: James R. Raives, Federal Consistency Coordinator
Mark Delaplaine, Federal Consistency Supervisor
Peter M. Douglas, Executive Director

RE: Memorandum of Understanding creating the Contaminated Sediment Task Force for the Los Angeles Basin

I. SUMMARY.

Enclosed with this memorandum (Exhibit 1) is a copy of the Memorandum of Understanding (MOU) among the Coastal Commission, U.S. Army Corps of Engineers (Corps), U.S. Environmental Protection Agency (EPA), Los Angeles Regional Water Quality Control Board (RWQCB), County of Los Angeles, Port of Los Angeles, City of Long Beach, and Port of Long Beach. This MOU establishes the Los Angeles Basin Contaminated Sediment Task Force (CSTF). The CSTF mission is to develop a strategy for managing contaminated sediments removed from navigation channels, berths, and other dredging projects. The CSTF will consider watershed management, upland disposal, re-use, treatment, and contained aquatic disposal in developing its strategy. This MOU is, in part, in response to the Commission's concerns raised about contained aquatic disposal sites for the Ports of Los Angeles and Long Beach and the Corps of Engineers. Also enclosed with this Memorandum is a copy of the organization and objectives of the CSTF (Exhibits 2 and 3).

II. STAFF RECOMMENDATION.

The staff recommends that the Commission adopt the following motion:

MOTION. I move that the Commission authorize the Executive Director to sign the MOU creating the CSTF.

The staff recommends a YES vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:


The Commission hereby authorizes the Executive Director to sign the MOU creating the CSTF finding that, through its participation in the process, the Commission can help to develop a strategy that is consistent with goals and requirements of the Coastal Act.

MEMORANDUM OF UNDERSTANDING
between
THE DEPARTMENT OF THE ARMY
and
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
and
THE CALIFORNIA COASTAL COMMISSION
and
THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
LOS ANGELES REGION
and
THE COUNTY OF LOS ANGELES, CALIFORNIA
and
THE PORT OF LOS ANGELES, CALIFORNIA
and
THE CITY OF LONG BEACH, CALIFORNIA
and
THE PORT OF LONG BEACH, CALIFORNIA
to
DEVELOP MANAGEMENT STRATEGIES FOR CONTAMINATED SEDIMENTS

This MEMORANDUM OF UNDERSTANDING (hereinafter referred to as the "MOU") entered into this ____ day of _____, 19__, by and between the DEPARTMENT OF THE ARMY (hereinafter referred to as the "Corps of Engineers"), acting by and through the Assistant Secretary of the Army (Civil Works), and the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (hereinafter referred to as the "Environmental Protection Agency"), the CALIFORNIA COASTAL COMMISSION (hereinafter referred to as the "Commission"), the CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION (hereinafter referred to as the "Regional Board"), the COUNTY OF LOS ANGELES, CALIFORNIA (hereinafter referred to as the "County"), the PORT OF LOS ANGELES, CALIFORNIA (hereinafter referred to as the "Port of Los Angeles"), the CITY OF LONG BEACH, CALIFORNIA (hereinafter referred to as the "City of Long Beach"), and the PORT OF LONG BEACH, CALIFORNIA (hereinafter referred to as the "Port of Long Beach"),

WITNESSETH THAT.

WHEREAS, the Corps of Engineers is responsible for regulating the discharge of dredged and/or fill material into "waters of the United States" pursuant to Section 404 of the Clean Water Act (hereinafter referred to as "Section 404"); and

EXHIBIT NO. 1
APPLICATION NO.
CSTF-mou
 California Coastal Commission

WHEREAS, the Corps of Engineers is responsible for regulating all structures and work within the "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899; and

WHEREAS, the Corps of Engineers is responsible for regulating transportation of dredged material for the purpose of dumping into ocean waters pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (hereinafter referred to as "Section 103"); and

WHEREAS, the Environmental Protection Agency has oversight and veto authority for the discharge of dredged or fill material into "waters of the United States" pursuant Section 404; and

WHEREAS, the Environmental Protection Agency has the authority to designate sites within ocean waters for the dumping of dredged material pursuant to Section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972; and

WHEREAS, the Environmental Protection Agency is responsible for development of the ocean dumping criteria for disposal of dredged sediments (in consultation with the Corps of Engineers) and provides concurrence that the disposal of dredged material complies with the ocean dumping criteria pursuant to Section 103; and

WHEREAS, the Environmental Protection Agency has enforcement authority for implementation of the Marine Protection, Research, and Sanctuaries Act of 1972; and

WHEREAS, the Regional Board is responsible for regulating waste discharge into the waters of the State of California; and

WHEREAS, the Regional Board and the State of California Water Resources Control Board must consider the issuance of Water Quality Certifications under Section 401 of the Clean Water Act; and

WHEREAS, the Commission is responsible for implementing the California Coastal Management Program; and

WHEREAS, the Port of Los Angeles conducts periodic dredging of its facilities to maintain safe navigation and/or to construct port and harbor improvements; and

WHEREAS, the Port of Long Beach owns and operates a deep draft commercial harbor at the Port of Long Beach; and

WHEREAS, the Port of Long Beach conducts periodic dredging of its facilities to maintain safe navigation and/or to construct port and harbor improvements; and

WHEREAS, the Corps of Engineers conducts periodic dredging at Marina del Rey, Port of Los Angeles, and the Los Angeles River Estuary (hereinafter referred to as the "Estuary") to maintain safe navigation and/or to construct port and harbor improvements; and

WHEREAS, the Port of Los Angeles is responsible for identifying suitable disposal sites for sediments dredged by the Corps of Engineers from the federally authorized navigation channels within the Port of Los Angeles' boundaries; and

WHEREAS, the City of Long Beach owns and operates the Estuary, a waterborne transportation corridor important to the local economies of the City of Long Beach and Los Angeles County, specifically Santa Catalina Island, California; and

WHEREAS, the navigation channel within the Estuary is subject to the formation of shoals from sediments deposited by the Los Angeles River; and

WHEREAS, the City of Long Beach is responsible for identifying suitable disposal sites for sediments dredged by the Corps of Engineers from the federally authorized navigation channel within the Estuary; and

WHEREAS, the City of Long Beach periodically conducts dredging of its facilities and requires suitable disposal sites for the dredged sediments; and

WHEREAS, the County owns and operates Marina del Rey, a small craft harbor and coastal recreational resource important to the economy of the County and City of Los Angeles; and

WHEREAS, the navigation channels to Marina del Rey are subject to the formation of shoals from sediments deposited by ocean currents and flood control channels; and

WHEREAS, the County is responsible for identifying suitable disposal sites for sediments dredged by the Corps of Engineers from the federally authorized navigation channels within Marina del Rey; and

WHEREAS, the Corps of Engineers and the County have initiated a three (3) year feasibility study involving the investigation of disposal management alternatives for Marina del Rey's contaminated dredged sediments and measures to control the discharge of contaminated sediments from Ballona Creek into Marina del Rey; and

WHEREAS, the Corps of Engineers and the Environmental Protection Agency have evaluated the marine sediments within the Port of Long Beach, Port of Los Angeles, the Estuary,

and Marina del Rey, and have determined some portion of the sediments proposed for dredging are unsuitable for unconfined open water and/or beach disposal due to contaminant levels; and

WHEREAS, the Corps of Engineers, the Environmental Protection Agency, the Commission, the Regional Board, the County, the Port of Los Angeles, the City of Long Beach, and the Port of Long Beach (collectively the "Parties") desire a regional strategy to control and manage contaminated sediments within the Los Angeles Basin; and

WHEREAS, the Environmental Protection Agency and the Regional Board have enacted National Pollution Discharge and Elimination System (NPDES) permits to control discharges of contaminants into the Los Angeles Basin's waterways; and

WHEREAS, the County, the Port of Los Angeles, the City of Long Beach, and the Port of Long Beach have an interest in implementation of NPDES permits to control discharges of contaminants within the Los Angeles Basin's waterways; and

WHEREAS, existing levels of contaminants threaten marine water quality in the Los Angeles Basin; and

WHEREAS, improving water quality and biological productivity benefits all parties and is the mutually agreed upon goal of all Parties.

DEFINITIONS:

The "Los Angeles Basin" is defined as the coastal waters of San Pedro Bay and Santa Monica Bay, California, and the watersheds that discharge into San Pedro Bay and Santa Monica Bay.

"Contaminated dredged sediments" is defined as sediments tested and determined to be unsuitable for unrestricted open water disposal, and/or sediments tested and determined to have unacceptable effects to human health or the environment.

"Receipt of Funds" is defined as separate and independent funds received by one or more member of the Parties and specifically allocated for labor and/or to studies directly related to the development of a management strategy for the dredging and disposal of the Los Angeles Basin's contaminated marine sediments.

NOW, THEREFORE, the Parties agree as follows:

1. The Parties agree to establish a Task Force to develop a management strategy for the dredging and disposal of the Los Angeles Basin's contaminated marine sediments (hereinafter referred to as the "management strategy"), and will use their best efforts to seek authorization and funding to develop such strategy. The Federal agencies will use their best

efforts that are consistent with the Administration's (Executive Office of the United States) goals and policies.

2. In evaluating all sediment management alternatives for feasibility, the Parties will consider all state-of-the-art measures including, but not limited to, upland disposal sites, treatment and re-use of sediments, source reduction, watershed management, subaqueous capping, confined disposal facilities, and other management methods, within the Parties' authorities to implement.

3. In developing the management strategy, the Parties agree to fully coordinate with all interested regulatory and resource agencies and other interested parties, and review on-going activities and/or studies related to the dredging and disposal of Los Angeles Basin's contaminated sediments.

4. As part of the management strategy, the Parties agree to:

a. Identify problem areas, potential solutions, available programs, and actions to be taken for the management of contaminated dredged material disposal alternatives;

b. Within one (1) year from the date of execution of the MOU, identify existing studies, data, and new studies necessary to develop the management strategy, and identify existing studies and measures to control the discharge of contaminants from the Los Angeles Basin's watersheds into Santa Monica Bay and San Pedro Bay;

c. At a minimum, meet on a quarterly basis; and,

d. Develop a detailed timeline for accomplishing essential elements of the management strategy.

5. Upon receipt of funds, the Parties agree to:

a. Initiate new studies determined to be necessary for the development the management strategy;

b. Initiate essential elements of the management strategy;

c. Identify and establish an array of feasible disposal management alternatives for the Los Angeles Basin's contaminated dredged sediments within one (1) year from the time funds are received; and,

d. Fully activate the management strategy within three (3) years from the time funds are received.

6. This agreement shall become effective on the date it is last executed.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement on the date to the left of their signatures.

Date _____

U.S. Army Corps of Engineers,
Los Angeles District

By _____

Robert L. Davis

Type or Print Name

Colonel, Corps of Engineers

District Engineer

Title

Date _____

California Coastal Commission

By _____

Peter M. Douglas

Type or Print Name

Executive Director

Title

Date _____

U.S. Environmental Protection Agency,
Region IX

By _____

Felicia Marcus

Type or Print Name

Regional Administrator

Title

Date _____

California Regional Water Quality
Control Board, Los Angeles Region

By _____

Dennis A. Dickerson

Type or Print Name

Executive Officer

Title

Date _____

County of Los Angeles

By _____

Stan Wisniewski

Type or Print Name

Director of Beaches and Harbors

Title

Date _____

County of Los Angeles

By _____

Harry W. Stone

Type or Print Name

Director of Public Works

Title

Date_____

Port of Los Angeles

By_____

Type or Print Name

Title

Date_____

City of Long Beach

By_____

James C. Hankla_____

Type or Print Name

City Manager_____

Title

Date_____

Port of Long Beach

By_____

S. R. Dillenbeck_____

Type or Print Name

Executive Director_____

Title

EXHIBIT NO. 2

APPLICATION NO.

CSTF-M00

California Coastal Commission

**CONTAMINATED SEDIMENTS
TASK FORCE**

All Interested Parties

**MANAGEMENT
COMMITTEE**

FEA, CDF, CCC, RWQCB,
City of Long Beach, Port Rep,
Environmental Group Rep,
County of Los Angeles

**TECHNICAL ADVISORY
COMMITTEE**

APPLICANT, FEDERAL
EFFECTS RELATIVE

**PUBLIC AWARENESS
COMMITTEE**

**DESIGNAL SEDIMENT
CRITERIA**

Proposed Sediment Criteria
(0.4% (100%))

**AQUATIC REUSE &
DISPOSAL**

Confined Disposal Facilities
(CDDFs, or TMDLs)
Aquatic Capping
(CDDFs, or TMDLs)
Other Aquatic Disposal
(CDDFs, or TMDLs)

**WATERSHED PROTECTION
SOURCE CONTROL**

Bollinger Creek Watershed
(LA County Public Works)
LA River Watershed
(0.4% (100%))

**NON-AQUATIC REUSE &
DISPOSAL**

Reclamation Facilities
(0.4% (100%))
Landfill Reuse/Disposal
(0.4% (100%))
Treatment, Incineration,
(0.4% (100%))

**Los Angeles Basin Regional
Contaminated Sediment Task Force
Objectives**

Introduction:


There are currently a variety of options available for the disposal of 'clean' sediments that are generated from Los Angeles basin dredging projects. The options include ocean disposal at the LA-2 dredged material disposal site, or beneficial reuse in a variety of shoreline projects such as beach nourishment or as fill in shoreline construction projects.

There is, however, a lack of multi-user disposal sites for dredged material that is unsuitable for unrestricted disposal or reuse. Currently, individual project sponsors must find an appropriate disposal option for dredged materials determined to be Not-Suitable for Unconfined Aquatic Disposal (NUAD). The current practice of addressing contaminated sediments in a piecemeal approach results in increased costs for disposal, increased time to obtain permits, lost opportunities for dredged material reuse and the spreading of impacts and risks instead of centralizing any impacts. EPA estimates that, based on previous experience and discussions with key applicants, of the predicted 10 million cubic yards of dredging to occur in the near future, there will be a need for disposal of 0.5 to 2.5 million cubic yards of material unsuitable for ocean disposal or beach nourishment.

Goals:

The goals of the Contaminated Sediment Task Force (CSTF) are to develop unified Multi-Agency policies related to the management of NUAD materials, promote multi-user facilities for NUAD materials, promote the reuse of NUAD materials to the extent practical, and support efforts to control contaminants at their source using a watershed management approach. The specific goals of the CSTF are to:

- Plan for the regional disposal of NUAD material over the short to medium term (10 to 15 years) until watershed planning efforts have time to improve general background levels of contamination from non-point and point sources;
- Agree upon a unified regional policy regarding NUAD material with all applicable agencies and promote the establishment of a minimum of two accessible multi-user NUAD material reuse/disposal options within one year;

EXHIBIT NO. 3
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6 pages
 California Coastal Commission

- Identify environmentally preferable practicable alternatives for the disposal or reuse of NUAD material, that are consistent with all Agency policies;
- Promote beneficial reuse of materials;
- Create a comprehensive framework for ranking environmental risks associated with unsuitable materials which will be used as guidance for acceptable uses of unsuitable materials with varying levels of contamination;
- Minimize impacts and costs associated with the disposal of NUAD material by promoting multi-user disposal alternatives;
- Offer regulatory certainty for the permitting of projects by promoting the development of sites suitable to handle various types of sediments;
- Streamline the process required to obtain permits for projects that include unsuitable materials;
- Promote and actively pursue source reduction through watershed management; and
- Minimize the need to conduct emergency dredging. However, should emergency dredging be necessary, provide management options for conducting emergency dredging activities when full characterization of the risks for unconfined disposal is not possible.

Other programs such as the National Pollutant Discharge Elimination System (NPDES) point source and non-point source programs, specific watershed projects such as the Santa Monica Bay Restoration Plan, Marina del Rey Program, and the Bay Protection and Toxic Hot Spot Cleanup Program are currently addressing long term sediment management through contaminant source reduction and hot spot remediation. However, there is currently a need for management of existing contaminated sediments and future contamination which will continue until watershed pollutant source reduction projects are implemented fully and universally.

NUAD material management plans are only marginally beneficial if source reduction projects are not pursued. Watershed management plans must be addressed specifically for each watershed and can not be effectively addressed through the CSTF. Agencies with responsibilities for management of each of the watersheds need to form separate task forces to address these issues. However, infrastructural changes to watershed discharge points specifically designed to reduce contaminant loads to Ports and Harbors will be investigated as part of this task force.

Options "Tool Box":

One of the most important functions of the Contaminated Sediment Task Force will be agreement on the acceptance of a number of reuse and disposal options appropriate for NUAD materials. Most of these options have been investigated and used in areas throughout the U.S. and Europe. These options include, but are not limited to:

Upland Disposal or Reuse:

Construction	Nearshore project design that can appropriately isolate NUAD material from the environment and that require material that is structurally suitable for fill.
Landfills	Beneficial reuse in Class III or II (Subtitle D, Title 22) landfills that require daily cover, liner, levee, or final capping material. NUAD material can also be disposed of in landfills as waste.
Wetlands	Mitigation projects or other wetland restoration project that require materials that could be used as cover or non-cover.

Subaqueous Capping:

Confined Aquatic Disposal* (CAD) sites can be used for a number of users and then receive a final cap of clean material and made into beneficial habitat. This type of capping project requires lateral confinement. The lateral confinement can consist of the walls of a depression such as a borrow pit, or a constructed subaqueous dike. Nearshore disposal/reuse as part of construction project is fundamentally similar to CAD.

Level Bottom Capping (LBC) is capping without lateral confinement. This type of capping project is most applicable to contaminated sediment areas that do not require dredging. LBC can also be done in conjunction with geotextile bags to reduce spreading and loss of material.

*Currently, CAD sites are not permissible in the ocean (outside the baseline of the Territorial Sea) under the Marine Protection Research and Sanctuaries Act (MPRSA). CAD sites are permissible under Section 404 of the Clean Water Act. There are currently proposed changes to the MPRSA regulations that would allow the implementation of CAD sites in ocean waters. Ocean CAD sites will be identified as possible management tools for NUAD, however, Ocean CAD sites will not be selected as a preferred alternative unless the MPRSA regulations are modified.

Although CAD can be an environmentally protective and cost effective means of disposing of some contaminated sediment, it

is not appropriate in all cases. Further, CAD should only be viewed as a short term solution for contaminated sediments disposal. Therefore, upland rehandling facilities must be pursued for long term reuse and disposal.

Treatment

In general, dredged NUAD sediments have characteristics unique from contaminated soil, including higher water content, significantly lower contaminant concentrations, and larger volumes of material. Studies have found that these characteristics may preclude many existing soil remediation techniques from being applicable and/or cost effective for use with dredged NUAD sediments. Studies have shown that presently the most cost effective method of disposal for NUAD material may be to reuse it in a beneficial reuse application which would require minimal or no pretreatment. Reuse as landfill daily cover or liner material, isolation within CAD sites, or isolation in upland or nearshore construction projects are currently more practical than remedial treatment. However, new technologies may be developed which would facilitate the practicability of remediation of NUAD material in the future:

Physical Separation of fine grain highly organic sediments that usually tightly bind organic contaminants. Sand separated from contaminated fine grain material may be suitable for beneficial reuses. The lower volume of more contaminated material could help reduce disposal costs;

Bioremediation using naturally occurring or cultured bacteria could be helpful in reducing contaminants in highly enriched sediments;

Soils Washing is yet another method of reducing organic contaminant loads in sediments;

Sequestering (i.e., mix with concrete, asphalt, etc.) is useful in reducing environmental exposure of heavy metal and organic contaminants. Depending on the engineering quality of the dredged material, sequestering could be incorporated into construction projects;

Ionic Separation is useful for the removal of charged elements, such as some ionic states of heavy metals, from dredged sediments.

Tasks and Studies:

There are a number of studies that may be required to analyze the feasibility of the various management options described above. The following initial list of studies, presented for the purpose of discussion, may be beneficial for each category of management

(upland, aquatic, treatment, and source reduction).

Many of these and other relevant studies have been completed for other NUAD material management efforts. The agencies should obtain and review as many of these studies as practical to see if existing information is available and relevant to Los Angeles area issues. This would serve to reduce costs and time in resolving the various issues. Furthermore, the review of existing data will allow the agencies to give specific guidance for the preparation of supplemental documents to focus specifically on Southern California issues.

General:

- Review of reuse/disposal options need and practicability (need for dredged sediments).

Upland Studies:

- Review of dredging and drying technologies for upland reuse or disposal;
- Upland reuse and disposal impacts on Air Quality (review of air impacts of dredged material disposal in all disposal sites upland and aquatic);
- Rehandling facilities siting criteria/rehandling facilities design criteria;
- Salinity impacts on landfill disposal/reuse.

Treatment:

- Review of existing sediment treatment reports;
- Particle (grain size) separation.

Subaqueous Capping:

- Review of capping projects world-wide;
- Applicability of multi-user sites in L.A. basin;
- Siting of multi-user CAD in L.A. basin (contingent on above documents);
- Biological studies in support of siting document.

Source Control:

- Authorization to conduct work;
- Infrastructural changes to large discharge points (i.e. L.A. River mouth);

- Infrastructural changes to small discharge points (i.e. storm drain outfalls);
- Pollution Prevention techniques (i.e. public education, BMPs - both structural and non-structural).

