STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
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October 26, 2000

TO: Commissioners and Interested Persons

FROM: Jaime C. Kooser, Deputy Director
Jack H. Gregg, Water Quality Unit Supervisor
Maile Gee, Coastal Program Analyst

SUBJECT: **Los Angeles Region Contaminated Sediments Task Force 2000 Public Workshop**

LOCATION: **Furama Hotel**
8601 Lincoln Blvd., Los Angeles, CA 90045
(310) 670-8111

DATE AND TIME: **November 14, 2000, 11:00 a.m. to 12:00 p.m.**

Public Workshop Summary

Various members of the California Coastal Commission Staff and the Los Angeles Region Contaminated Sediments Task Force (CSTF) will present a Public Workshop to inform the Commissioners and the public about some of the recent Task Force achievements. Many of these achievements are described in the *July 2000 Contaminated Sediments Task Force Report to the Governor and the Legislature* (Exhibit 1).

The key objective of the CSTF is the completion of a long-term management plan for dredging and disposal of contaminated sediments from coastal waters within Los Angeles County (Final Strategy). The CSTF has continued to make significant progress towards this objective and is working to achieve the Plan's completion by the statutory deadline of January 1, 2003.

The Public Workshop will also provide an overview of several studies proposed by the CSTF to gather additional data for completion of the Final Strategy. These studies include: 1) conducting a treatability study and marketing survey for re-use of contaminated sediments; 2) compilation of a sediment and stormwater monitoring database; 3) analysis of existing stormwater monitoring data; 4) development of sediment quality guidelines; 5) sampling of existing storm drain systems; 6) monitoring of a small-scale confined aquatic disposal site, and 7) assessment of environmental control measures for dredging and disposal operations. An overview of the Army Corps of Engineers (ACOE) Dredged Material Management Plan Feasibility Study (DMMP) will be presented. The proposed studies to investigate the possibilities for beneficial reuse of contaminated sediments will also be discussed. We will conclude with current and upcoming issues.

If you have any questions regarding the CSTF Public Workshop or the attached report please contact Maile Gee at (562) 590-5087, Jack H. Gregg at (415) 904-5246, or Jaime C. Kooser at (415) 904-5265.

Los Angeles Region
CONTAMINATED
SEDIMENTS
TASK FORCE

Status Report

July 2000

California Coastal Commission
Los Angeles Regional Water Quality Control Board

A REPORT TO THE GOVERNOR AND THE LEGISLATURE

Los Angeles Region
CONTAMINATED
SEDIMENTS
TASK FORCE

DATE: August 15, 2000

TO: Governor and Members of the California State Legislature

FROM: Executive Committee
Los Angeles Basin Contaminated Sediments Task Force

RE: Report to the Governor and the Legislature

We are pleased to approve the 1999 Contaminated Sediments Task Force Report to the Governor and the Legislature. It is forwarded to you, with our enthusiastic support, to document the progress that has been made on this critical project. The key objective of the Task Force is the completion of a long-term management plan for dredging and disposal of contaminated sediments from coastal waters within Los Angeles County. The Task Force has continued to make significant progress towards this objective and we anticipate the Plan's completion by the statutory deadline of January 1, 2003.

Some of the accomplishments made by the Task Force in 1999 include: coordination of a multi-user disposal site; advances in streamlining the permitting process for dredging projects; finalization of the Memorandum of Understanding and Amendment Number 1, and utilization of the internet to improve communications with the public. The Task Force has also continued to be effective in developing consensus among diverse stakeholders regarding the immediate management of dredging and disposal for several projects.

If you have any questions regarding this report please contact Mr. Dennis Dickerson at (213) 576-6605, or Ms. Jaime Kooser at (415) 904-5265, co-chairs of the Contaminated Sediments Task Force.

DENNIS A. DICKERSON
Executive Officer
Los Angeles Regional Water Quality Control Board

PETER DOUGLAS
Executive Director
California Coastal Commission

for PETER T. MADSEN
Brigadier General, USA
U.S. Army Corps of Engineers

for FELICIA MARCUS
Regional Administrator
U.S. Environmental Protection Agency

State of California
California Coastal Commission
Los Angeles Regional Water Quality Control Board

REPORT TO THE GOVERNOR AND THE LEGISLATURE

Status of the Los Angeles Basin Contaminated Sediments Task Force

July 2000

SECOND ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE

LOS ANGELES BASIN CONTAMINATED SEDIMENTS TASK FORCE

INTRODUCTION AND SUMMARY

The Los Angeles Basin Contaminated Sediments Task Force was established in 1997 by the California Coastal Commission and the Los Angeles Regional Water Quality Control Board pursuant to Senate Bill 673, Karnette. This second annual report describes progress made during 1999 by the multi-agency Task Force and highlights several major accomplishments of the past year. We are developing a long-term management plan for the dredging and disposal of contaminated sediments found in coastal waters adjacent to Los Angeles County by the statutory deadline of January 1, 2003.

1999 ACCOMPLISHMENTS

- First Multi-User Contaminated Sediment Disposal Site
- Streamlining Report - Recommendations to Improve Permitting Process
- Adoption Process Report – Outline to Implement Long-Term Management Strategy
- Identification of Data Gaps
- Second Annual Public Workshop
- Finalization of Memorandum of Understanding
- Improved Internet Communication

ACCOMPLISHMENT 1 – COORDINATION OF A MULTI-USER DISPOSAL SITE

In late 1998, the Port of Long Beach (POLB) informed the Contaminated Sediments Task Force of plans to proceed with development of a constructed fill at its Pier E Slip 2 site. Although POLB planned to use this site to dispose of contaminated sediments from its own Pier T dredging project, the site was large enough to accommodate some contaminated sediments from other projects.

Ultimately, contaminated sediments from Long Beach Harbor (dredged by Port of Long Beach), the Los Angeles River Estuary (dredged by the U.S. Army Corps of Engineers on behalf of the City of Long Beach), and Marina del Rey (dredged by the Corps of Engineers on behalf of Los Angeles County Department of Beaches and Harbors) were disposed of in this site. Approximately 1.4 million cubic yards of contaminated sediments were placed into a constructed fill, completely isolated from the aquatic environment.

The project could not have been concluded successfully without the efforts and existence of the Contaminated Sediments Task Force. The Task Force's Interim Advisory Group served as a forum for problem resolution, successfully coordinated three separate dredging projects and created a functional multi-user disposal site. The Port of Long Beach's staff worked with their counterparts at the Corps of Engineers and LA County Department of Beaches and Harbors to overcome the many logistical and technical challenges associated with managing such large quantities of contaminated sediments.

ACCOMPLISHMENT 2 – IMPROVED PERMITTING PROCESS

The Task Force's Implementation Subcommittee was charged with developing a report summarizing how the existing process for reviewing and approving dredging projects might be improved. The Implementation Subcommittee issued its Streamlining Report in October 1999, proposing several possible mechanisms to make the permitting process more efficient and economical, while also improving protection of water quality and beneficial uses.

Over the past year, the Task Force has convened meetings of this Interim Advisory Group as needed to discuss issues and resolve problems related to specific dredging projects. Although the Interim Advisory Group has functioned very well, it is clear that additional changes are needed to further improve the permitting process. The Streamlining Report evaluates 18 potential short-term or long-term measures which could be adopted to improve the review and approval processes for permitting dredging activities. The Task Force has agreed upon the need for a single dredging permit application and consistent permit requirements, as well as standardization of best management practices for dredging operations. The Task Force plans to develop procedures to implement these changes during the upcoming year.

ACCOMPLISHMENT 3 – PROCESS FOR ADOPTION OF LONG-TERM MANAGEMENT STRATEGY

The Task Force is required to submit the long-term management strategy to the Legislature by January 1, 2003. However, the strategy itself will not become truly effective until it has been adopted and implemented by the four regulatory agencies (California Coastal Commission, Los Angeles Regional Water Quality Control Board, United States Environmental Protection Agency and U.S. Army Corps of Engineers).

The Task Force's Implementation Committee was charged with producing a report outlining the steps required to allow each agency to complete the adoption and implementation process. Early identification of key issues and planning for completion of critical tasks should help us avoid unnecessary delays. The Strategy Adoption Process report issued in November 1999 establishes a blueprint which would result in formal adoption of the strategy by the four regulatory agencies by mid-2003. To reach this goal, each agency will need to begin certain tasks during the upcoming year.

ACCOMPLISHMENT 4 – IDENTIFICATION OF DATA GAPS

Each of the four action subcommittees (Aquatic Disposal and Dredge Operations, Upland Disposal and Beneficial Reuse, Watershed Management and Source Control, Sediment Thresholds) was asked to identify major issues or data gaps that remain to be addressed if we are to develop the long-term management strategy. Without this information, we may not be able to complete all components of the management strategy.

Each subcommittee produced a report in 1999 identifying the data gaps remaining and why it is important to address these issues. The four subcommittees identified 22 data gaps that should be addressed to allow completion of the management strategy. The Task Force prioritized these data gaps so that we could focus on completing the most critical studies. The priority projects are: 1) compile local sediment monitoring data into an electronic database to develop sediment quality guidelines for management of contaminated sediments; 2) evaluate environmental control measures to reduce or eliminate environmental impacts from dredging and disposal operations; 3) evaluate potential locations for a regional aquatic disposal site; 4) conduct a demonstration project for sediment re-use; and 5) identify pollutant sources within the watersheds of concern responsible for sediment contamination in downstream areas requiring dredging.

The Task Force plans to complete the high priority studies over the next two years. At the same time, we will investigate ways to conduct the lower priority studies or substitute information gathered by others.

ACCOMPLISHMENT 5 - ANNUAL PUBLIC WORKSHOP

The Task Force encourages the public to participate in discussions and provide comments on the management plan in annual public workshops. The public also is invited to attend and provide comments at Task Force and subcommittee meetings.

On November 2, 1999, the Task Force held its second annual public workshop as part of the California Coastal Commission's meeting in Santa Monica. Staff from the Coastal Commission and the Los Angeles Regional Water Quality Control Board presented a brief description of the Task Force's goals, highlighted the major success stories of the past year, and discussed major tasks to be accomplished during the next year and future years. This progress report prompted discussion of major issues by the Commissioners and members of the public.

ACCOMPLISHMENT 6 – FINALIZATION OF MEMORANDUM OF UNDERSTANDING

Eight federal, state and local agencies now have signed both the original MOU and Amendment Number 1, signaling their commitment to work towards development and implementation of a long-term management strategy. Although these agreements did not take effect officially until March 15, 1999, each agency has been participating actively in the Task Force for a much longer time. The eight signatory agencies are: U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, California Coastal Commission, Los Angeles Regional Water Quality Control Board, City of Long Beach, Port of Los Angeles, Port of Long Beach, and Los Angeles County Department of Beaches and Harbors.

ACCOMPLISHMENT 7 – IMPROVED INTERNET COMMUNICATION

The Task Force maintains a page on the California Coastal Commission's web site to provide access to information about the project. This information is updated regularly, particularly the calendar listing upcoming meetings of the Task Force and its subcommittees. The goal is provide timely information so that the public or other interested parties can keep up with the Task Force's progress and attend any meetings, as desired. The web site includes summaries of each meeting, as well as background documents and reports produced by the Task Force. We have received requests for additional information from people who discovered the Task Force via the web site.

CONTAMINATED SEDIMENTS TASK FORCE WEB PAGE

ceres.ca.gov / coastalcomm / sediment / sdindex . html

MANAGEMENT PLAN DEVELOPMENT PROGRESS

The Task Force made excellent progress during the past year towards developing the long-term plan for managing contaminated sediments. The Task Force has identified five subcommittees that focus on specific elements of the management strategy, namely Upland Disposal and Beneficial Re-Use, Aquatic Disposal and Dredge Operations, Sediment Thresholds, Watershed Management and Source Reduction, and Implementation. Each of the Subcommittees met regularly throughout the year and recently updated their workplans to identify the priority tasks to be accomplished during the upcoming year.

Achievements during the past year included:

- The Upland Disposal and Beneficial Re-Use Subcommittee completed a preliminary evaluation of the economic and technical feasibility of several disposal and re-use alternatives (including landfills, constructed fill, wetlands creation, concrete stabilization, physical separation). The subcommittee also initiated a study to gather information on the use of these alternatives around the world.

- The Watershed Management and Source Reduction Subcommittee analyzed existing sediment contamination data to attempt to identify a list of pollutants of concern within each watershed of interest (Ballona Creek, Dominguez Channel, Los Angeles River, San Gabriel River) that would narrow the focus for source control measures. The subcommittee reviewed and provided comments on the proposed scope of work for the U.S. Army Corps of Engineers' study of sediment contamination within the Ballona Creek watershed, which ultimately could lead to the development of best management practices for source control of pollutants.

- The Aquatic Disposal and Dredge Operations Subcommittee reviewed and commented on the U.S. Army Corps of Engineers modeling studies for evaluation and development of a confined aquatic disposal site for contaminated sediments. The subcommittee also began work on defining appropriate permit limits, best management practices and standard monitoring requirements for dredging operations involving contaminated sediments.

- The Sediment Thresholds Subcommittee sponsored a workshop with an expert from the Washington Department of Ecology to discuss the development and use of sediment criteria in the regulation of dredging activities. The subcommittee also agreed on a framework for moving forward with the development of sediment guidelines for the Los Angeles Region. Several preliminary tasks must be completed to define the scope and objectives for this process.

- The Implementation Subcommittee completed the Permit Streamlining Report and the Strategy Adoption Process Report during the past year. The Implementation Subcommittee also investigated several potential funding mechanisms to obtain additional funds to conduct special studies to fill the data gaps identified by the other subcommittees.

CONCLUSION

One of the major benefits of the Task Force has been improved communication between dredging applicants, the regulatory agencies and the environmental community. The Task Force has provided an opportunity for early identification of problems and a mechanism for resolution of the complex issues related to contaminated sediment management.

We particularly are pleased with the successful creation of a multi-user disposal site during the past year, resulting from the cooperation and diligent work of our Task Force members. By overcoming the technical and logistical obstacles posed by such a site, we have demonstrated the feasibility of such projects in the future. This should offer us an efficient, effective and environmentally sound method for managing contaminated sediments in the Los Angeles region. The California Coastal Commission and the Los Angeles Regional Water Quality Control Board are looking forward to continued success as the members of the Task Force move towards completing and implementing the long-term management strategy.

APPENDICES

Appendix A: Streamlining Report for Improving the Permitting Process for Review and Evaluation of Dredging Permits

Appendix B: Strategy Adoption Report for Implementation of Long-Term Management Plan for Dredging and Disposal of Contaminated Sediments

Appendix C: Memorandum of Understanding Between Eight Agencies to Develop Management Strategies for Contaminated Sediments + Amendment No. 1 to the Memorandum of Understanding (March 15, 1999).

APPENDIX A

STREAMLINING REPORT FOR IMPROVING THE PERMITTING PROCESS FOR REVIEW AND EVALUATION OF DREDGING PERMITS

Los Angeles Basin Contaminated Sediments Task Force
Streamlining Report

The Los Angeles Basin Contaminated Sediments Task Force was formed to address the dredging and disposal of contaminated sediments within the coastal region of Los Angeles County. The purpose of this streamlining report is to summarize ways agencies involved with the Task Force might improve the review and approval process for dredging projects while protecting the coastal environment. Through this report, the Implementation Subcommittee will propose mechanisms that would make this review and approval process more efficient and economical while improving protection of water quality and biological resources.

Some of the challenges for project proponents include: (1) coordinating among various state and federal agencies with overlapping jurisdictions but sometimes with conflicting goals or requirements; (2) not knowing agencies' concerns prior to submittal of an application; and (3) getting agencies to comment on or approve a project within a timeframe that allows for meeting budget and contract bid deadlines. Such challenges can cause projects to be constantly modified and increase the project costs, particularly at the planning stage.

Regulatory and resource agencies are also faced with their own challenges when project environmental documents and applications get submitted. Examples include: (1) not having all the project information, including disposal alternatives, sediment analyses and mitigation measures, submitted concurrently; (2) receiving such information with insufficient review time allotted by the project proponent; and (3) not always being able to comment on projects prior to submittal of an application. Thus, projects may not be designed nor have the measures needed to meet regulatory requirements by adequately avoiding or mitigating for potential environmental impacts.

Solutions must be defined to address these challenges and improve the review and approval process. Otherwise, projects will continue to be developed without considering cumulative impacts, addressing watershed efforts, or coordinating environmental concerns. The solutions can be categorized into two types. There are short-term, immediate solutions (e.g., continuing with the Interim Advisory Committee, one permit application) that could be implemented before the Long-Term Contaminated Sediment Management Strategy has been developed. There are also long-term solutions that require changes to internal agency processes or to existing regulations.

Recommendations: Concurrence from Task Force

The Implementation Subcommittee has evaluated eighteen potential solutions identified in Appendix 1. Background information on streamlining options within an agency and on agency review and permitting authorities can be found in Appendices 2 and 3, respectively. In addition, a flow chart of existing processes is shown in Appendix 4.

The following is a synopsis of the solutions the subcommittee is recommending concurrence from the Task Force's Management Committee.

- Single Permit Application and Consistent Requirements: The Implementation Subcommittee recommends that an Advisory Committee (#9) continue not only during the interim process but after the sediment management strategy gets developed. The current Interim Advisory Committee is already re-evaluating its function and pursuing some of the solutions identified in Appendix 1 to improve coordination and help streamline the review and permit processes.

  For example, the committee is developing a single permit application and will identify mechanisms for adopting such an application (#3). Once this application is available, then the project proponents will be able to submit one consistent package to all agencies concerned (#4). As part of this process, the committee will clarify overlapping jurisdictions and develop consistent application requirements (#1). In addition to developing a single permit application, the Interim Advisory Committee could also begin identifying potential conditions (#2) and best management practices (#11) that would be implemented as part of a dredging project.

- Best Management Practices (BMPs): The Implementation Subcommittee recommends that BMPs be identified (#11) because they represent a key mechanism in ensuring that dredging projects would have minimal impacts to water quality and aquatic biological resources. Currently, the Aquatic Disposal and Dredge Operations Subcommittee is evaluating potential BMPs to be utilized during dredge operations. These guidelines for BMPs, together with those to be identified by the Interim Advisory Committee, would streamline the review process if project applicants were to know in advance what measures would be accepted by the regulatory agencies.

Unresolved Issues: Guidance from Task Force

Appendix 1 identified potential solutions, which the Implementation Subcommittee could not resolve amongst its members. The subcommittee requests guidance from the Task Force relative to those options.

- Reducing Number of Permits: Several options include developing a single overall permit (#12), having one State permit and one Federal permit (#13), or having either the LA Regional Water Quality Control Board (Regional Board) or the U.S. Army Corps of Engineers (Corps) issue a permit versus both agencies issuing permits (#5). Some of the complications involving these options include identifying a lead agency, having a lead agency give up regulatory control, developing interagency agreements, and changing existing regulations to designate that authority.

- Streamlining Regional Board Permitting: The Regional Board currently issues Waste Discharge Requirements (WDRs) for dredging activities. One proposal would be to issue Section 401 Water Quality Certifications (WQCs) in lieu of WDRs (#6). These WQCs would then become a part of the Corps' Section 404 permits. One advantage is that WQCs could be issued more quickly because no board approval would be required. However, there is concern about providing the public opportunity to comment on such actions, even though such opportunity exists through the Corps' public notice process and when the application is submitted to the Regional Board. There is also concern as to the extent the Regional Board could enforce conditions that become a part of the Corps' permit.

The Regional Board currently does not have direct authority to issue WQCs (#14). Instead, the Regional Board recommends actions to the State Water Resources Control Board, which is the lead agency that certifies or denies projects under the WQC process. However, the State Board is proposing to change regulations to allow for it to delegate its authority to the Regional Boards. The Task Force could send letters supporting this change but since the Implementation Subcommittee is uncertain about even pursuing WQCs in lieu of WDRs, the subcommittee can not recommend such a letter.

Another proposal would be for the Regional Board to develop general WDRs for specific dredging activities (#7). These WDRs would outline provisions, conditions, and reporting and monitoring requirements. The public comment period would occur prior to the adoption of the WDRs. Once the general WDRs are adopted, then projects could be given administrative approval from the Regional Board. However, there would be no further comment period for each individual project qualifying for such a permit.

- Improving the Interim Advisory Committee: Even though there is support to continue with the Interim Advisory Committee, the Implementation Subcommittee can not agree on how to improve the functions of that committee. Two options for providing a more cohesive interaction among the committee members include developing an interagency agreement and identifying the primary and alternate members (#8). There also needs to be a commitment to have the agencies and environmental community provide comments and direction to the project proponents, as well as to have the project proponents integrate planning efforts in anticipation of future projects (#9, #10). In addition, the committee needs to have more representation from the resource agencies so that natural resources could be protected and project proponents could know what those concerns might be (#17). Involving the resource agencies could be accomplished by establishing an area-wide endangered species consultation or developing general guidance to specific issues that get identified during the review of dredging projects (#17).

  Another proposal to improving the Interim Advisory Committee is to establish a Dredge Material Management Office (DMMO) so permit actions could be coordinated and streamlined (#15). As mentioned previously, the current committee is re-evaluating its function and may be able to resolve some of the streamlining issues identified earlier.

- Integrating Environmental Review: When a project is submitted to the Interim Advisory Committee most of the environmental review has been completed. However, comments made during the permitting process often are different from those provided earlier during the environmental review process (#16). If the agencies and environmental groups could utilize this latter process more effectively to let project proponents know what specific concerns exist, then those concerns could already be addressed when the project gets evaluated during the permitting process. Nevertheless, the Implementation Subcommittee could not support this solution at this time because changing current practices might involve changing the organizational structure or mindset of the agencies concerned. Although there is support in theory and the subcommittee could develop approaches in accomplishing this option, there is resistance in implementing such change.

- Changing Local Coastal Program (LCP)/Port Master Plan (PMP): When a dredging project is consistent with an approved LCP or PMP, then the project proponents might not need to go through the California Coastal Commission's Federal Consistency or Coastal Development Permit process. If the local agencies could develop an amendment to the LCP or PMP to include such projects, this action could eliminate future approval by the Coastal Commission if it already had approved the amendment (#18). However, one must keep in mind that the Coastal Commission does not delegate all its authority to the

local agencies. So there may be instances when a project must go through the approval process with both the local agency and the Coastal Commission.

Both the Port of Los Angeles and the Port of Long Beach have approved PMPs, while the City of Long Beach and Marina del Rey have approved LCPs. In the case of Marina del Rey, the Los Angeles County Regional Planning Department administers the LCP, which covers only the land area. However, there is no approved LCP for the City of Los Angeles or for the County of Los Angeles. The local agencies will need to investigate the feasibility and the willingness to pursue such amendments. Currently, the Port of Long Beach believes a resolution by the Board of Harbor Commissioners is a more appropriate vehicle to show support for streamlining than a PMP amendment. The Implementation Subcommittee may need to re-evaluate this permit process at a later time when elements of the sediment management strategy get defined.

Task Force Actions

1. Concur with developing a single permit application, consistent requirements, and best management practices and making those actions the responsibility of the Interim Advisory Committee and Aquatic Disposal and Dredge Operations Subcommittee, as these responsibilities were defined earlier in the report.

2. Identify the unresolved issues we should pursue and provide guidance on how we should approach, evaluate and resolve these issues.

APPENDIX 1

STREAMLINING SOLUTIONS

The Implementation Subcommittee of the Contaminated Sediments Task Force discussed various short- and long-term solutions to streamline the review and approval processes for dredging activities. The Task Force members could accomplish short-term solutions through agreement while long-term solutions would require changes within the agencies or at the policy or regulation level. The following is a synopsis of the solutions discussed:

1. The agencies could clarify overlapping jurisdiction and holes in regulatory coverage and provide the project proponents with a clear outline as to what is being evaluated. Where there is overlap, agencies would coordinate with each other to provide consistent requirements.

2. The agencies could have clearly defined conditions. Many times permit conditions refer compliance to other permits, which can cause confusion for the permittee in keeping track of the conditions.

3. There could be a single permit application that can be used for all agencies. Since creating applications may require regulatory changes or be interpreted as "underground" regulations, a short-term alternative to the single permit application would be to provide the project proponents with an application packet containing all the agencies' applications.

4. The project proponent could submit the application packet concurrently to all agencies so that they have the same information and can coordinate with each other.

5. The LARWQCB and Corps could reconsider the need to permit the same activity. There appears to be flexibility within the regulatory framework for the LARWQCB to not issue Waste Discharge Requirements if beneficial uses of surface and ground waters are protected and the discharge does not impact those waters. If the LARWQCB or the Corps issued a single permit, this would not affect the other resource or regulatory agencies' abilities to regulate the activity.

6. The LARWQCB could consider issuing Section 401 Water Quality Certifications instead of Waste Discharge Requirements. This action would provide a quicker processing time because no board approval is required. The public could still comment on 401 applications or through the Corps' public notice process.

7. The LARWQCB could develop general Waste Discharge Requirements that outline specific provisions, conditions, and monitoring relative to certain types of dredging activities.

8. The Task Force could solidify the Interim Advisory Committee by developing an interagency agreement (e.g., Memorandum of Understanding) and having the primary and alternate members identified. This would provide cohesive interaction among the members.

9. The project proponents could provide the agencies with project information prior to when the permit application is submitted. In addition, the agencies would identify their concerns during this early comment period and not wait until the application is received. One mechanism would be to continue with the Interim Advisory Committee and have all agencies agree to provide comments and clear directions to the project proponents during those committee meetings.

10. The project proponents and regulatory and resource agencies could establish priorities. The project proponents would identify future projects to facilitate agency coordination, while the agencies would need to be committed, not only at the staff but also the management level, to participate in coordinating with each other and the project proponents.

11. The Task Force could develop a set of Best Management Practices (BMPs) for dredging, monitoring and disposal of contaminated sediments. All projects over a certain size or contaminant levels would have to implement a suite of BMPs depending on project specifications.

12. The agencies could develop a single overall permit. This process would require not only changes at the state level but also at the federal level. For agencies to identify one lead agency and give up regulatory control to that agency, there would need to be not only interagency agreements but also changes to regulations to provide that lead agency with all the same authority that has already been given to other agencies.

13. There could be one state permit and one federal permit. This could separate state and federal authorities and focus streamlining and coordination with fewer agencies within a group. However, the same complications identified above would still apply. Furthermore, state agencies may have both state and federal authorities to implement the review and approval process. This could further complicate establishing one state permit.

14. The State Board could delegate Section 401 Water Quality Certification authority to the LARWQCB. This would reduce the approval processing time for certifications if projects do not need to go through State Board. Currently, State Board is proposing changes in state regulations to allow for this delegation. The Task Force could send letters of support to encourage such changes.

15. The Task Force, through coordination with USEPA and Corps, could establish a DMMO (Dredge Material Management Office) so permit actions could be coordinated and streamlined. The Interim Advisory Committee could be expanded into a DMMO, which would provide for a more formal process and commitment from the regulatory agencies.

16. The regulatory and resource agencies could better integrate CEQA review with the permitting process so comments are consistent. In addition, agencies could utilize CEQA more effectively to let project proponents know what concerns exist.

17. The Task Force, whether through the Interim Advisory Committee or a DMMO, could get USFWS and NMFS more involved in the review process. Not only would the resource agencies be invited to the meetings, but also alternatives to an individual review process could be investigated (e.g., establishing an area-wide endangered species consultation; developing general guidance to specific issues that come up during dredging projects). Without the involvement of these agencies, protection of natural resources might not be ensured for dredging projects.

18. The local agencies having an approved Local Coastal Program (LCP) or Port Master Plan (PMP) could amend their LCP/PMP so that dredging projects occurring within their jurisdiction would be consistent with the LCP/PMP. If the California Coastal Commission were to approve such an amendment, project proponents might not need to go through the Federal Consistency or Coastal Development Permit process with the Commission.

APPENDIX 2

INTERNAL AGENCY STREAMLINING STRATEGIES

Each regulatory agency could promote an internal streamlined permitting process, such as establishing pre-set conditions, waivers, or general permits. Below are mechanisms for permit streamlining within the regulatory agencies.

CALIFORNIA COASTAL COMMISSION

In implementing permit streamlining, the Coastal Commission staff would need to determine what permitting or planning processes would be required and then determine how to best proceed with those processes. Under the *Federal Consistency* process, federal agencies must submit a *consistency determination* for projects that they would be implementing within the coastal zone. Once the Commission concurs with a consistency determination submitted by a federal agency, subsequent projects occurring within the same area and having similar impacts may require only a *negative determination*, which is handled through an administrative review rather than concurrence by the Commission. The negative determination streamlines the review process by not requiring a staff report or an action item before the Commission.

Applicants for federal permits, on the other hand, submit a *consistency certification*, which then is presented to the Commission for concurrence. But there is no mechanism allowing for negative certifications if subsequent projects were to occur within the same area and have similar impacts. However, the Commission has concurred with *general consistency certifications* allowing for multiple similar projects to occur within a specified timeframe. These certifications have an expiration date and require a reporting mechanism to Commission staff. Examples include disposal to the LA-2 ocean disposal site by ports or port activities involving maintenance dredging. If a project were to have a *Coastal Development Permit* or were to be consistent with an approved *Port Master Plan*, then no *Federal Consistency* would be required because the Commission would already have approved the project through the other processes.

Under the *Coastal Development Permit* process, the Commission can waive a project. Waivers are issued for routine, minor projects having no cumulative impacts on coastal resources and are handled through an administrative process. Though waivers exist, a waiver of a dredging and disposal project identified within a management strategy may be difficult unless there is specific regulatory language allowing for such a waiver. Currently, there are two types of waivers defined in the Coastal Act: waiver for *de minimis developments*, Section 30624.7 – waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations (CCR); and waiver for *improvements to existing single-family residences or structures*, Sections 30610(a) and (b) – waives the requirement for a Coastal Development Permit pursuant to Sections 13250(c) or 13253(c), Title 14, CCR. If project proponents were to seek waivers for dredging and disposal projects, then changes to the regulations and Coastal Act would probably need to occur to have such waivers identified.

The Commission also reviews projects through the Administrative, Consent, or Regular Calendars when issuing *Coastal Development Permits*. The Executive Director issues permits administratively for minor projects. The permit and staff report are combined into one document, thus streamlining the process. Projects requiring Commission approval

through the Consent or Regular Calendars are usually major projects requiring extensive staff reports. Those projects with no issues to be resolved by the Commission are placed on the Consent Calendar, while projects with unresolved issues are presented to the Commission via the Regular Calendar. If there were any amendments, Commission staff would determine if those amendments were *immaterial* or *material*, the latter requiring review through the Consent or Regular Calendars. However, if project issues are resolved ahead of time between Commission staff and the project proponent, there is more opportunity to move the process through the Consent Calendar.

With regards to the *Local Coastal Program* or *Port Master Plan* process, if projects were to occur within a local jurisdiction having an approved program or plan, then those projects would be reviewed by the local agency instead of the Commission. Such projects would need to be consistent with the approved program or plan. If not, then Commission staff would have to review the project or the local agency would need to seek approval from the Commission for an amendment to the program or plan to address such projects. If the proposed dredging and disposal projects involved local jurisdictions, amending the approved program or plan to include the management strategy would be advantageous. Once the Commission approves this amendment, then the project proponents might not need to go through the *Federal Consistency* or *Coastal Development Permit* process with the Commission. However, if a citizen or a Commissioner were to appeal a local decision to the Commission, more time would be taken to address the appeal.

However, a project may overlap several Commission processes (*Federal Consistency, Coastal Development Permit, Local Coastal Program, and Port Master Plan*). For example, a project might involve both dredging, which might be covered under a *Port Master Plan*, and upland disposal, which might require a *Coastal Development Permit*. In this case, one permitting process will not be able to supercede another because of specific jurisdictions identified in the Coastal Act. Thus, if the projects were to have multiple components, then the projects might require approval through several processes and not just one. If this approach were not acceptable to the parties involved with the management strategy, then the regulations might need to be modified to require only one process.

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

The Los Angeles Regional Water Quality Control Board currently issues Waste Discharge Requirements (WDRs) for dredging projects and disposal of dredged material. As a result, it can be difficult for the Regional Board to respond rapidly to emergency situations or accommodate last minute changes in a project's scope given the lead time required for preparing tentative WDRs and scheduling of items for consideration at Board meetings that only occur approximately every five weeks.

One way to simplify this process would be to issue a Section 401 Water Quality Certification for dredging projects in lieu of WDRs. This action could provide a quicker response time since no board approval would be required. Public comment still could be accepted through the 401 process or through the U.S. Army Corps of Engineers' (Corps) public notice process. The standard conditions and monitoring program requirements normally included in WDRs could be added to the federal permit issued by the Corps. Although conditions placed into the 401 Certification would be binding on the project applicant, the Regional Board's ability to proceed with an enforcement action for any violations might be more limited compared to enforcement of WDR violations.

Another way to streamline the permitting process would be to create general WDRs for certain types of dredging projects. The permit conditions and provisions, as well as the

monitoring and reporting program, would be established beforehand as part of the general WDRs. Then dredging projects that meet the requirements specified in the general WDRs could be approved administratively because these WDRs would have received prior Board approval and undergone a public notice period.

U.S. ARMY CORPS OF ENGINEERS

Some suggestions to help make the regulatory process more efficient include:

1. Coordinate the sediment sampling plan with the Corps and EPA before sampling.

2. Conduct sediment sampling and review results with Corps and EPA before submitting permit application or otherwise application would be considered incomplete.

3. Make sure permit applications are complete when submitted. This would include sediment sampling results and, if a standard 404 permit were required, a comprehensive 404(b)(1) alternatives analysis.

It may also be possible to develop a regional general permit (RGP) specific to dredging activities. An RGP that also had 401 certification and a federal coastal zone consistency concurrence from the California Coastal Commission would streamline the process a great deal. Even without the State agencies' permits up front, the permitting process would still be more efficient as there would be no need for a public comment period for types of projects covered under a general permit as this would have been done during development of a general permit. Developing this general permit would require a committee that included the regulating agencies and the groups that would use such a permit. However, a major constraint on Section 404 RGPs is that the impacts of activities that would occur under such permits must not exceed a "minimal" threshold when projects are considered individually or cumulatively. That standard is more restrictive that the "significance" threshold used in NEPA or CEQA.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Unlike the California Coastal Commission, Los Angeles Regional Water Quality Control Board, or the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency is not responsible for issuing permits or approvals for dredging and disposal operations. EPA's involvement in these operations is directly linked to the permitting process of the U.S. Army Corps of Engineers and is restricted to the Corps' public comment and review periods. As such, there is no internal streamlining EPA could take independent of a modification to the Corps of Engineers' permit process that would result in any overall streamlining benefits to the regulation of these operations.

As discussed previously in this report, adopting a unified application, standardizing Sampling and Analysis Plan procedures and reports, forming a Dredged Material Management Office, and identifying and permitting appropriate regional disposal options for contaminated materials would facilitate EPA's internal review and concurrence process by enhancing the quality and reliability of sediment evaluation data. If these program elements were put into place, EPA would modify its internal review and concurrence process accordingly.

APPENDIX 3

AGENCY PROCESSES

This appendix describes, at both the state and federal levels, the review and permitting authorities of the various regulatory and resource agencies involved in evaluating dredging activities.

CALIFORNIA COASTAL COMMISSION

FEDERAL CONSISTENCY PROCESS

The federal consistency process was established by the federal Coastal Zone Management Act (CZMA) of 1972. That act requires any direct federal or federally permitted activity located within or outside of the coastal zone and affecting coastal resources to be conducted in a manner consistent with certified coastal management programs. California's program subsequently was certified in 1978. In order to implement this CZMA requirement, the federal agencies or applicants for federal permits are directed to submit either a consistency determination or a consistency certification, respectively. These documents are prepared by the federal agency or applicant and submitted to the Commission for review. The Commission staff reviews the submittal and makes a recommendation to the Commission. The Commission can either concur or object to the consistency determination or certification. However, the Commission does not have the authority to condition its approval. Any changes to the project required by the Commission in order for it to concur with an activity must be agreed by the federal agency or applicant.

With respect to federally permitted activities, the Commission does not require a consistency certification for activities also requiring a coastal development permit approved by the Commission. The Commission has 45 days (with an automatic 15-day extension if requested) to review direct federal activities and six months to review federally permitted activities.

COASTAL DEVELOPMENT PERMIT PROCESS

The California Coastal Act requires a coastal development permit for any development (as defined by the Coastal Act) within the coastal zone. The inland boundary of the coastal zone is legislatively drawn and the seaward boundary is the three-mile offshore state boundary. To apply for a coastal development permit, the project proponent must complete a permit application and submit it to the Commission with any required supporting information. The Commission staff has 30 days to review the permit application for completeness and respond back to the applicant. Once the application is filed, the Commission can waive the activity through the waiver process or schedule it for Commission review through the Administrative, Consent, or Regular Calendars. The staff will review the application for consistency with Chapter 3 of the Coastal Act and present its analysis to the Commission with a recommendation and, if necessary, conditions for approval. The Commission has 180 days after an application is filed to act on it. The Coastal Act exempts from its permit process maintenance dredging of existing navigation channels and transportation of material dredged from those channels to a disposal site outside of the coastal zone. However, disposal within the coastal zone is subject to a coastal development permit. Additionally, the regulations exempts from the permit process

any other maintenance dredging (other than existing navigation channels) of less than 100,000 cubic yards within a one-year period.

LOCAL COASTAL PROGRAM PROCESS

The Coastal Act requires that any local government with jurisdiction within the coastal zone prepare a local coastal program (LCP). That program consists of a land-use plan and implementing ordinances (e.g., zoning). The local government is responsible for preparing the LCP and any required environmental documents. Once the City Council or Board of Supervisors approves the LCP, the local government submits it to the Commission for its certification. The Commission reviews the submittal and either approves, denies, or denies it and then approves it with modifications. Once an LCP is certified, the Commission delegates its permit authority to the local agency. However, the Commission retains permit jurisdiction for all activities below mean high tide or on public trust lands. Dredging and aquatic disposal are not affected by LCPs and remain subject to the requirements of the Coastal Act. The designation of an upland disposal or treatment site would by subject to the requirements of a certified LCP and may require an amendment to that LCP. Some permits issued by local governments pursuant to their LCPs are appealable to the Commission. Five categories of appealable activities are identified in Section 30603 of the Coastal Act. If an appeal is made, the Commission first determines if the appeal raises a substantial issue for consistency with the LCP. If it does, the local government's permit no longer applies and the Commission will review the permit application.

PORT MASTER PLAN PROCESS

The Coastal Act identifies four commercial ports (including the Ports of Long Beach and Los Angeles) in California for which the Act requires the preparation of Port Master Plans. These plans are similar to LCPs in that they identify land and water uses within the port boundaries and, once certified, the Commission delegates coastal development permit responsibility to the port. The Commission has already certified the Port Master Plans for the Ports of Long Beach and Los Angeles. Permits for a limited number of activities within a port are appealable to the Commission and six categories of appealable activities are identified under Section 30715(a) of the Coastal Act. Dredging activities are covered in most port master plans and they are not appealable. Disposal within a port must occur within a designated disposal area. Any dredging or disposal outside of the port's jurisdiction is subject to the Commission coastal development permit or federal consistency processes.

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD

The Porter-Cologne Water Quality Control Act established the State Water Resources Control Board (SWRCB) to provide efficient administration of water resources of the State of California, including consideration of water pollution and water quality issues. SWRCB is charged to protect the quality of all waters of the state for use and enjoyment by the people of the state.

The Porter-Cologne Act divides the state into nine regions. The Los Angeles Regional Water Quality Control Board (LARWQCB) has jurisdiction over the Los Angeles Region. In practical terms, this region includes most areas falling within Ventura and Los Angeles Counties, with the exception of the Lancaster-Palmdale area.

Chapter 4 of the Porter-Cologne Act requires all of the following persons to file a report of waste discharge with the regional board:

1) Any person discharging waste or proposing to discharge waste within any region that could affect the quality of waters of the state, other than into a community sewer system.

2) Any person who is a citizen, domiciliary, or political agency or entity of this state discharging waste or proposing to discharge waste outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.

The State has determined that dredged material falls within the definition of waste as specified by the Porter-Cologne Act.

REGULATING DREDGING

The LARWQCB adopted a revised Water Quality Control Plan for the Los Angeles River Basin (often referred to as the "Basin Plan") on June 13, 1994. This Plan is designed to preserve and enhance water quality and protect the beneficial uses of all waters in the region. The Plan designates beneficial uses for surface and ground waters, sets narrative and numerical objectives that must be attained or maintained to protect the beneficial uses and conform to the state's antidegradation policy, and describes implementation programs to protect all waters in the region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations.

The Basin Plan designates beneficial uses for specific waterbodies. Los Angeles-Long Beach Harbor is divided into several subcategories: Outer Harbor, Inner Harbor, Marinas, Public Beach Areas, All Other Inner Areas, Dominguez Channel Estuary and Los Angeles River Estuary. Different beneficial uses have been designated for each subcategory. For example, beneficial uses of the Outer Harbor 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. The Inner Harbor has the same designated beneficial uses as the Outer Harbor, as well as industrial service supply.

Waste discharge requirements are based upon the water quality objectives contained in the Basin Plan. Although the Basin Plan does not contain any specific requirements pertaining to dredging activities, the Plan does contain narrative and numerical objectives, which are applicable to dredging operations, for the protection of surface and ground waters. Compliance with the waste discharge requirements will ensure conformance with the goals of the Basin Plan, including protection of the designated beneficial uses.

APPLYING FOR WASTE DISCHARGE REQUIREMENTS

A report of waste discharge must be submitted to the Regional Board at least 120 days prior to the anticipated start of any dredging operations. The applicant should complete our six-page Dredge Permit Application, although Form 200 - *Application for Facility Permit/Waste Discharge* may be used for small projects. The report must provide information describing the facility involved, the type of operation proposed, the type and volume of waste, location of the point of disposal of waste, and compliance with the California Environmental Quality Act (CEQA). The report must be accompanied by any supporting documentation required by the Regional Board to evaluate the proposed dredging and disposal operation, particularly physical and chemical characterization of the sediments to be dredged. A filing fee, which is calculated according to the volume of material to be dredged (Title 23, Division 3, Chapter 9 of the California Code of Regulations), also must accompany the report of waste discharge.

PROCESSING AN APPLICATION

Staff reviews the report of waste discharge to determine whether the proposed dredging project has the potential to adversely impact water quality or affect beneficial uses of state waters. Staff generally focuses on potential impacts associated with the physical removal of sediments during the actual dredging operations, and potential impacts related to the disposal of the dredged material.

Dredging operations often produce a noticeable discoloration of the waters around the dredge site as sediments are removed from the bottom and particles are released into the water column. The areal extent of this turbidity plume will depend on the nature of the dredging operation and circulation patterns in the area. Dredging projects will be evaluated to ensure that operations do not produce excessive turbidity or cause other water quality problems (e.g., depression of dissolved oxygen concentrations), and that toxic pollutants are not released at levels that will degrade aquatic communities, populations or individuals.

Identification and approval of a disposal site for the dredged material often are the key issues to be resolved for each dredging project. If unrestricted disposal of the sediments is proposed (e.g., beach replenishment with sandy material, offshore disposal of fine-grained material), the applicant must demonstrate that the dredged material is uncontaminated. For contaminated sediments, the applicant must demonstrate that the material will be confined or contained in a manner that will ensure that pollutants will not be released to state waters (surface waters or groundwater) or adversely impact beneficial uses. If the applicant proposes to dewater the sediments and discharge return water, potential impacts from this activity must be addressed.

After staff reviews the application and evaluates the potential impacts, the next step is the development of tentative waste discharge requirements (often referred to as the "permit," although this term is not technically accurate). The waste discharge requirements identify special provisions and limitations with which the applicant must comply, and specify reporting and monitoring requirements. The tentative waste discharge requirements are sent to the applicant for review and comments, as well as to several federal and state agencies (e.g., U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, California Department of Fish and Game), local agencies, environmental groups and other interested parties. The transmittal letter accompanying the tentative waste discharge requirements will indicate the date of the Regional Board meeting on which these will be considered for adoption. Written comments may be submitted to staff prior to the date of the board meeting, and oral comments may be provided at the public hearing held during the board meeting.

It is important to note that the waste discharge requirements do not become effective until the Regional Board has adopted them during a public hearing. The final waste discharge requirements will be signed by the Executive Officer of the Regional Board and transmitted to the applicant and other interested parties within ten working days after adoption at a public hearing, and will include any changes incorporated at that time. The Regional Board assigns reference numbers to the waste discharge requirements (e.g., Order No. 97-01) and to the monitoring and reporting program (e.g., 7598). These numbers should be referenced when submittals (e.g., letters, monitoring reports) are sent to the Regional Board.

U.S. ARMY CORPS OF ENGINEERS

The Regulatory Branch of the U.S. Army Corps of Engineers (Corps) mainly functions as a regulatory agency and, as such, reviews dredging projects as described below.

The Corps has three basic types of permits: a standard permit, a general permit (which includes nationwide permits and regional general permits) and a letter of permission. These permits are issued pursuant to three legislative authorities:

Section 10 of the Rivers and Harbors Act of 1899- This act gives the Corps the authority over work or structures in or over navigable waters of the U.S. (Letters of Permission, Standard Permits, General Permits).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972- Commonly referred to as the Ocean Dumping Act, this act regulates transportation of dredged materials for the purpose of ocean disposal (Standard Permits, Regional General Permits [not nationwide permits]).

Section 404 of the Clean Water Act of 1972- This act governs discharge of dredged or fill material into all waters of the U.S. including adjacent wetlands (Standard Permits, General Permits).

Before an application is submitted to the Corps, a potential applicant may request a pre-application consultation. This meeting can provide insight on the information and potential studies that may be required. Other agencies may also be included. Alternatives and potential sediment testing requirements should be discussed at this time.

A sediment testing and analysis plan should be submitted for approval to the Corps and U.S. Environmental Protection Agency (EPA). Sample collection and analysis should not begin until the plan is approved. The results of the sediment testing should also be submitted to the Corps and EPA before an application is submitted.

When an application is submitted the Corps will review it for completeness. An application must include:

- A complete description of the proposed activity, including necessary drawings, sketches, or plans;
- The location, purpose, and need for the proposed activity; scheduling of the activity; names and addresses of adjoining property owners; location and dimensions of adjacent structures;
- A list of authorizations required by other Federal, State or local agencies for the work, including all approvals received or denials already made;
- The source of the material; the purpose of the disposal/fill and a description of the type, composition, and quantity of the material; the method of transportation and disposal/fill of the material; and the location of the disposal/fill site.

If the application is incomplete, the Corps will request the necessary information from the applicant. The applicant then has thirty days to respond. If there is no response, the application will be withdrawn.

After a complete application is received, the Corps will determine what type of permit is appropriate. If an individual permit is required then a public notice will be prepared. A public notice is issued for all standard permits and for general permits (including nationwide permits) when the general permit is first proposed. The public notice is not required for each individual project that qualifies for a general permit since this public notice was completed earlier as part of the general permit process. Public notices generally have a

thirty-day comment period. The Corps will provide any comments received regarding the public notice to the applicant. The applicant then has 30 days to respond to comments. Applicants may contact commentors directly to resolve differences. An abbreviated version of a public notice (predischarge notification) is often sent to the various resource agencies for comment on general permits and Letters of Permission.

At this point, the Corps will complete the permit review. This review includes a public interest review that must consider:

- The relative extent of the public and private need for the proposed work.
- The practicability of using reasonable, alternative locations and methods to accomplish the objectives of the proposed work, where there are unresolved conflicts as to resource use.
- The extent and permanence of the beneficial and/or detrimental effects that the proposed work is likely to have on the public and private uses to which the area is suited.

The review must also include an alternatives analysis and an environmental document. The document usually will be an environmental assessment and a subsequent finding of no significant impact based on that assessment. On the other hand, the assessment instead could result in an environmental impact statement. If the project requires a standard individual Section 404 permit, the alternatives analysis is a critically important step whereby the project clearly needs to demonstrate compliance with the 404(b)(1) guidelines (40 CFR Part 230). These regulations prohibit the Corps from issuing a permit unless the Corps has determined that the project constitutes the "least environmentally damaging practicable alternative" (LEDPA). Generally, the level of effort the applicant must employ to make this case is commensurate with the magnitude of the impact. The result of this process is a decision on permit issuance or denial. However, a final permit will not be issued until all necessary certifications, waivers, or approvals are issued by the State Water Resources Control Board and the California Coastal Commission.

U.S. ENVIRONMENTAL PROTECTION AGENCY

The U.S. Environmental Protection Agency (EPA) has authority under several different environmental laws to review, comment and provide concurrence/nonconcurrence on activities relative to dredged materials:

Clean Water Act (CWA) Section 404(b)(1). The Act establishes Guidelines (which were developed by EPA) for the discharge of dredged or fill materials and for the prevention of such discharges, individually or in combination with other activities, from having unacceptable adverse impacts to the ecosystem. Even though the U.S. Army Corps of Engineers (Corps) has the legal authority to regulate the discharge of dredged or fill material in inland waterways, wetlands and territorial seas, the Guidelines developed by EPA must be applied to those activities. Under Section 404{c} EPA has the authority to veto Corps permits if the discharge does not comply with the requirements of the Act or the Guidelines.

Marine Protection, Research and Sanctuaries Act (MPRSA). The Act regulates the transportation and disposal of materials in all U.S. ocean waters in and beyond the territorial limit. Section 102 authorizes EPA to establish criteria for evaluating all dumping permit actions and to designate ocean dredged material disposal sites. Section 103 authorizes the Corps to issue permits for dumping of dredged materials into the ocean waters. Such

permits must demonstrate compliance with the criteria developed by EPA and the use of a designated site. The Corps cannot issue a Section 103 permit unless EPA concurs, concurs with conditions, or issues a waiver for the proposed project.

National Environmental Policy Act (NEPA). Pursuant to Section 309 of the Clean Air Act, EPA reviews and comments on Environmental Impact Statements, including those prepared for federally authorized dredging projects, for compliance with procedural and substantive NEPA requirements. In addition, EPA reviews these documents for consistency with the requirements of both CWA and MPRSA.

EPA and the Corps have developed testing protocols for dredged materials. For waters jurisdictional under the CWA, these testing protocols are identified in the Inland Testing Manual ("ITM"). For waters jurisdictional under MPRSA, the testing protocols are specified in the manual Evaluation of Dredged Material Proposed for Ocean Disposal ("Greenbook"). When an application is submitted to the Corps for dredging and disposal operations in waters jurisdictional under CWA or MPRSA, EPA works with the Corps to review and concur on the Sampling and Analysis Plan (SAP) included with the application. This review and concurrence ensure that the dredged materials sampling and testing program complies with the regulations and the protocols established in the testing manuals.

EPA also reviews the results of the dredged material evaluations for consistency with the requirements and approved procedures identified in the testing manuals. Based on these test data and other available information, EPA recommends a suitability determination to the Corps. This determination is for materials that EPA believes are consistent with the standards established in the testing manuals to not cause significant undesirable effects to human health or the aquatic environment. The Corps makes the final determination on suitability as part of its permit decision. As noted above, EPA concurrence (MPRSA) or decision not to elevate or veto (CWA) the permit decision is required prior to final approval for the regulated discharge.

Dredged materials determined to be contaminated are prohibited from being disposed to the ocean. Under certain conditions, dredged materials determined to be unsuitable for unconfined aquatic disposal may be disposed to CWA jurisdictional waters where appropriate measures are taken to isolate the unsuitable materials (for example, capping and confining with suitable dredged materials). For all dredged materials disposal operations, EPA seeks to ensure that adverse impacts to the environment are avoided or minimized in a manner consistent with the requirements of CWA and MPRSA. EPA encourages beneficial re-use of dredged materials (e.g., beach nourishment, construction fill) wherever possible.

CALIFORNIA DEPARTMENT OF FISH AND GAME

As the trustee of the state's fish and wildlife resources, and as a responsible party under the California Environmental Quality Act (CEQA), the California Department of Fish and Game is responsible for the protection, maintenance and enhancement of these resources. The Fish and Game Code and other federal and state mandates include requirements dictating that the Department address dredging issues related to: 1) habitat maintenance, enhancement, and mitigation; 2) state threatened and/or endangered listed species and consultation regarding take; 3) discharge of pollutants; 4) CEQA review; 5) review of other documents, including 404 permits, waste discharge requirements, and Coastal Commission actions; and 6) obtaining a streambed alteration agreement from the Department.

As a result of the real and potential impacts on the resources associated with dredging activities, the Department has always been an active participant in meetings dealing with

specific dredging projects, as well as, formally commenting on dredging activities. This participation includes, but is not limited to, reviewing CEQA and National Environmental Policy Act (NEPA) documents, U.S. Army Corps of Engineers 404 permits, waste discharge requirements (WDRs) issued by the Regional Water Quality Control Boards, and California Coastal Commission development permits. In most instances the Department becomes involved early in the process. The project proponent often will contact the Department to solicit initial comments on the proposed project with respect to resource impacts, mitigation, monitoring, dredge spoil disposal, and other issues. Also, the Department may comment formally on the CEQA and NEPA documents and on various permitting actions (e.g., 404 permits, water quality certifications, and WDRs). The Department's most recent involvement has been its participation on the Contaminated Sediments Task Force itself.

The comments on a proposed project may deal with such aspects as monitoring of dredging operations, sediment characterization and sampling plans, contaminated sediments, mitigation requirements and monitoring, time constraints and disposal options. As a project proceeds, the Department may continue to be involved in evaluating such aspects of the project that relate to biological resources (e.g., tern foraging, eelgrass impacts), water quality, and mitigation success. Finally, the Department may monitor the progress of long-term monitoring programs that assess mitigation project success.

U.S. FISH AND WILDLIFE SERVICE

The U.S. Fish and Wildlife Service's primary concern is the protection of public fish and wildlife resources and their habitats. The southern California coastal habitats continue to support significant fish and wildlife resources, such as migrating shorebirds, waterfowl, seabirds, and a variety of biologically diverse and productive habitats. Several coastal dependent endangered or threatened species are present in this area. For example, the endangered California least tern (*Sterna antillarum browni*) nests in major colonies at Terminal Island and Venice Beach. This species is known to forage over water areas within the Los Angeles/Long Beach Harbors complex and along Dockweiler and Venice Beaches. The California brown pelican (*Pelecanus occidentalis*), another endangered species, is also known to forage in these areas and is seasonally very abundant along the California coast. The Service tries to be vigilant and involved in any and all potential actions, including dredging, that may affect these biological resources. Dredging projects have the potential to significantly influence fish and wildlife and their habitats.

Under the authority of the Fish and Wildlife Coordination Act (FWCA), Federal agencies contemplating an action must consult with the Service regarding potential impacts to fish and wildlife and recommended mitigation measures. Within the coastal dredging context, FWCA coordination with the Service is usually triggered by either an U.S. Army Corps of Engineers' (Corps) regulatory action or by a Congressionally authorized Corps project. Corps projects have a planning and implementation process of their own. Through this process, the Service provides guidance in minimizing impacts to fish and wildlife resources, including but not limited to federally listed species. This guidance begins early in the planning process with a Planning Aid Report, and the final step in the process is the FWCA Report, which is based on detailed information on the proposed project such as that which would be provided in an Environmental Impact Statement and its supporting documents.

Similarly, dredging activities proposed by other applicants are regulated through the Corps' permitting process. The Service provides an FWCA comment letter, usually in response to the Corps' public notice for the permit application. The Service may require special conditions be placed on the Corps' permit in order to avoid, reduce, or offset expected impacts to fish, wildlife, or habitats.

The Service is also responsible for administering portions of the Endangered Species Act of 1973 as amended (Act). In particular, Section 7 of the Act requires any federal agency contemplating an action that may affect a listed species to consult with the Service and receive a Biological Opinion before committing or permitting the project. So the Corps, whether proposing to carry out a dredging project or permit another entity to carry out such a project, must initiate a Section 7 consultation with the Service, if the action might affect a federally listed species. Dredging projects may affect listed species through direct disturbance or degradation of foraging or breeding habitats, or indirectly through exposure to contaminants made available to those species through the dredging activities.

Early involvement and coordinated environmental considerations are very valuable to timely resolution of issues. The Service tries to provide its technical expertise on fish and wildlife matters at most every opportunity, including California Coastal Commission and Regional Water Quality Control Board hearings and actions, and environmental documents prepared pursuant to the California Environmental Quality Act.

NATIONAL MARINE FISHERIES SERVICE

The National Marine Fisheries Service (NMFS) carries out its responsibilities for the conservation of living marine resources primarily under four statutes: the Magnuson Fishery Conservation and Management Act of 1976, which regulates fisheries within the U.S. Exclusive Economic Zone; the Endangered Species Act, which protects species determined to be threatened or endangered; the Marine Mammal Protection Act, which regulates taking of marine mammals; and the Fish and Wildlife Coordination Act, which requires other Federal government agencies to seek advice of NMFS on actions that might affect living marine resources.

As a consequence of possible impacts to living marine resources from dredging projects, NMFS is involved routinely in the review of proposed permit applications submitted to the California Coastal Commission and U.S. Army Corps of Engineers (Corps). NMFS also provides comments on related California Environmental Quality Act and National Environmental Policy Act documents. Early coordination with NMFS is encouraged to ensure that projects are designed in a manner to eliminate or minimize impacts to marine resources of concern. NMFS also is an active participant in the review and monitoring of mitigation designed to offset adverse impacts from dredging projects.

NMFS does not have any formal regulatory role relative to dredge projects. NMFS' primary function is a commenting agency to other regulatory agencies, such as the Corps at the Federal level or Coastal Commission at the State level. With respect to the Corps, there is a permit elevation process relative to Clean Water Act Section 404 permits that could be used should the Corps' District Engineer choose not to accept NMFS' recommendations. However, this process is rarely invoked. The normal procedure is to attempt to work out any disagreements and avoid the elevation process.

CITY OF LONG BEACH

The City of Long Beach has three potential procedures for implementing a dredging project. These are as a maintenance project, as a capital project, or as a project of the U.S. Army Corps of Engineers.

Maintenance Dredging

The City owns a small dredge with an eight-inch line and has staff to operate it. The City has permits to operate up to 90,000 cubic yards per year, which is near the maximum amount the dredge can move materials during September 15 to March 15. This seasonal restriction is specified in the permits to protect Least terns and grunions.

The Corps, Los Angeles Regional Water Quality Control Board, and the California Coastal Commission have issued the permits for five years. These permits allow dredging in Alamitos Bay and the Los Angeles River Estuary and allow beach disposal only for beach compatible material. Because the Los Angeles River Estuary materials have not been beach compatible, all dredging since 1994 has been in Alamitos Bay. However, through 1994, the permits did not have a beach disposal restriction. So in 1989, 1990, 1991, and 1994, the City dredged the Los Angeles River Estuary and disposed material in the borrow pit near the Queen Mary.

The allocation for dredge operations is a routine part of the City's annual marine maintenance budget. The Director of Parks, Recreation and Marine determines where the annual dredging is to occur. If dredging of both the Los Angeles River Estuary and Alamitos Bay were needed, the Director might consult the Mayor-appointed Marine Advisory Commission to determine priorities.

Capital Projects

If the City were to undertake a dredging project beyond the City's current capability to conduct maintenance dredging (150,000 cubic yards without a seasonal restriction), this project would be deemed as a capital project. Capital projects are approved in three steps. First, a six-year capital plan is written, which includes spending needs and priorities. A six-year budget then is submitted with the plan to the City Manager. Second, the City Manager reviews the department-by-department six-year plan, reviews the available resources, and develops a two-year budget. Finally, the two-year budget is submitted to the City Council, which then considers the City Manager's budget and an alternate budget proposed by the Mayor, and approves a budget. In the off year between two-year budgets, no new major capital projects are introduced unless there is a new urgent need.

Once the budget is approved, the project is designed. For a large project, a consulting firm would be hired to do the design. An Environmental Impact Report would be part of the design process. Once the project is designed, permits are sought from the Corps, Regional Board, and Coastal Commission.

Federal Project

A federal navigation channel exists within the Los Angeles River Estuary to the Catalina Landing harbor. Therefore, most of the estuary dredging has been done as federal projects because the cost of the needed projects exceeds local capital budget resources. The City's role is limited to requesting the projects be implemented and communicating the need for such projects. This process is done through communicating with the Corps' Los Angeles District office, with the Corps' Washington Headquarters office, and with the House of Representatives. The City would also demonstrate its support for the projects through public hearings, such as before the Coastal Commission.

PORT OF LONG BEACH

The Port of Long Beach has a dual role in dredging projects as both project proponent and, to a lesser degree, as a regulatory agency. As project proponent, the Port's permitting process is identified below.

The Engineering Division and Properties Division develop project concepts, usually in response to tenant requests. The Planning Division evaluates preliminary concepts for consistency with the Port Master Plan, which identifies potential or planned port projects that are approved by the California Coastal Commission.

Concepts are refined internally until deemed ready for environmental review. Key dredging-related environmental issues include minimizing fill, minimizing dredging volumes, and identifying probable disposal and re-use options. Key uncertainties tend to be (1) the lack of a specific design configuration and (2) the lack of site-specific knowledge, particularly with regard to sediment contamination and volumes. In general, the goals of the three groups (Properties, Engineering, and Planning) differ somewhat, so that the refinement process is a series of compromises between maximizing revenue generation, optimizing design and buildability, and minimizing environmental concerns.

For major projects, the Port will usually present the project to the regulatory and resource agencies (now the Interim Advisory Committee of the Contaminated Sediments Task Force) late in the concept design process in a pre-application meeting. The input provided by the agencies is used to further refine the project.

At the end of the concept design process Engineering applies to Planning for a Harbor Development Permit (HDP), which Planning administers under the provisions of the Coastal Act. The HDP is a combined Coastal Development Permit (CDP), under the Coastal Act, and a city building permit. That application triggers the formal environmental review process and the project is ready to be reviewed by the public. The HDP application may also trigger the sediment characterization process, but that often takes place earlier in the concept design phase.

The environmental review process generally results in the preparation of an Environmental Impact Report (EIR), for which Planning is responsible. The draft EIR is circulated for 45 days, during which the Board of Harbor Commissioners holds a public hearing. The document may be a joint EIR/EIS (Environmental Impact Statement) if the project were to be a federal project or a joint federal and local project. At the end of the public review the final EIR is prepared and submitted to the Board of Harbor Commissioners, as the governing body of the environmental lead agency, for action (certification). The Board may also approve the project in its role as project proponent.

Near the end of the environmental review process the Port prepares and submits the applications for the US Army Corps of Engineers' Section 404/Section 10 permit, Los Angeles Regional Water Quality Control Board's Section 401 Water Quality Certification or Waste Discharge Requirements, and a California Coastal Commission's permit (usually a consistency determination, not CDP).

PORT OF LOS ANGELES

The Port of Los Angeles is most often the applicant to other agencies for dredging activities in the Los Angeles Harbor District. The process for implementing these processes is generally in the steps provided below.

1. Project Initiation. A project is initiated within the Department either through the Engineering Division or through the Property Management Division for tenant requests. Normally an *Application for Development Project* is completed by the initiating Division and sets in motion activities by a number of other Divisions.

2. Environmental Testing. Through consultants, Environmental Management Division carries out the testing at the request of the Engineering Division. This process includes approval of testing protocol by the US Army Corps of Engineers and US Environmental Protection Agency and guidance on acceptable disposal options once results are returned. This testing is done as early in the process as possible, but not so early as to make the testing results out of date.

3. Environmental Documentation. Upon receiving an *Application for Development Project*, the Environmental Management Division prepares the appropriate environmental documentation. The type of documentation varies from an exemption for some maintenance dredging projects to an Environmental Impact Report (EIR) for more complex projects. Sometimes a joint EIR/EIS (Environmental Impact Statement) is prepared instead. Eventually, the environmental documentation goes through a California Environmental Quality Act (CEQA) public review process. This documentation then becomes the basis for Harbor Department Project approvals and permit issuance by State agencies and, depending on the project, can be used as a basis for federal environmental documentation (such as an Environmental Assessment or Finding of No Significant Impact). In the case of an EIR, the board of Harbor Commissioners certifies the EIR and, if a discretionary action were needed, the project is approved. In some cases, permits are issued.

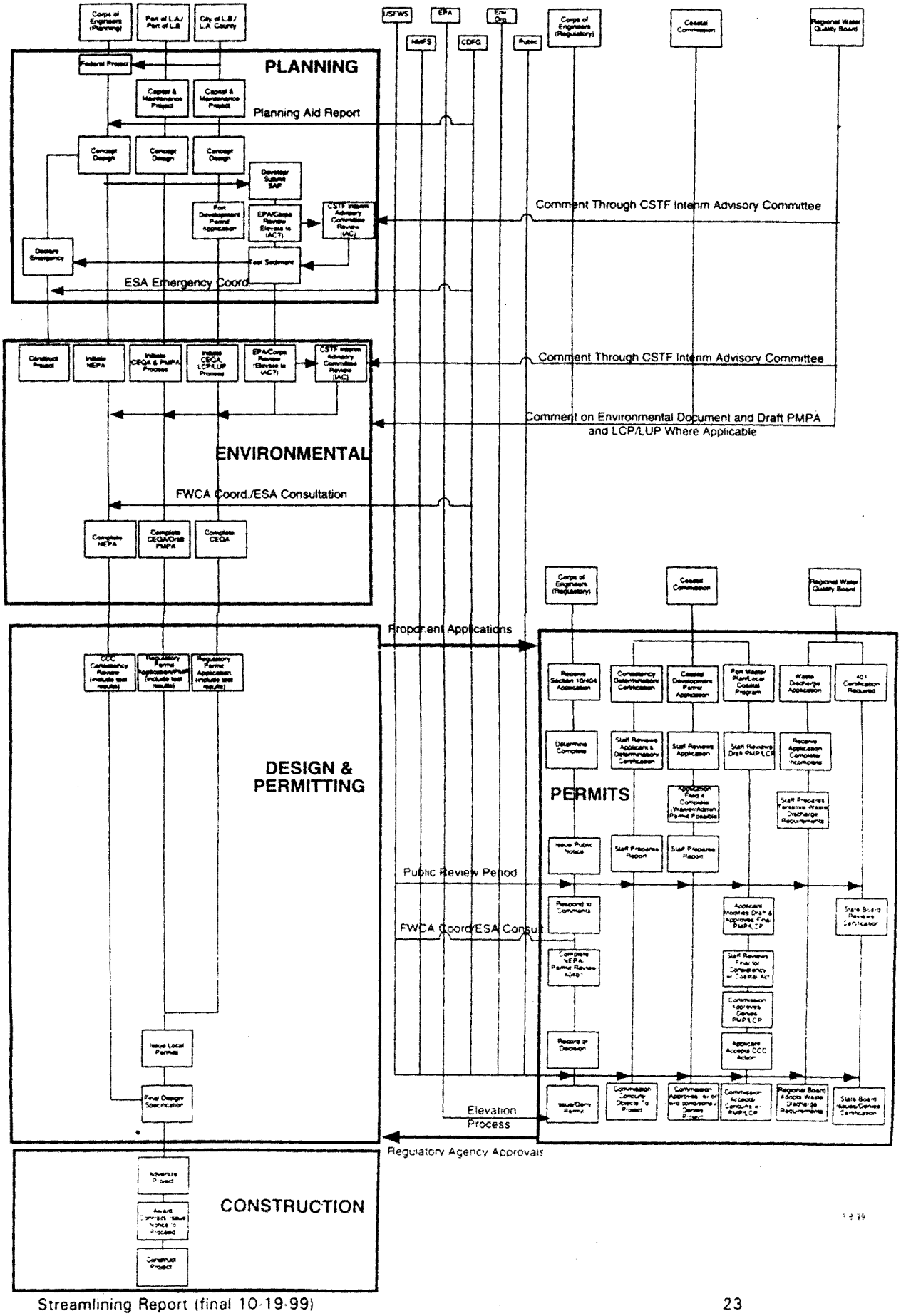
4. Department of Army Permits/Water Board Approval/Stream Alteration Agreements. In almost all situations, the Engineering Division is the applicant for these permits. The Environmental Management Division is frequently the liaison with these agencies in obtaining these permits (e.g., discussing test results). The Department of the Army Permit is often conditioned on receipt of California Coastal Commission and Los Angeles Regional Water Quality Control Board approvals. These permit applications are normally sent after the environmental documentation has been completed. However, in some cases, the Department of the Army Permit is submitted early in the project development process to allow the US Army Corps of Engineers to get authorization to work on the project.

5. Master Plan Amendments/Coastal Permits. The Planning and Research Division is responsible for coastal approvals, which may include a Coastal Development Permit application to the California Coastal Commission, or an application to amend the Port Master Plan followed by the Port's issuing a Coastal Development Permit, or a Consistency Determination submitted to the Coastal Commission. Prior to the Coastal Commission providing approvals, the Port must complete CEQA documentation (including an alternatives analysis and, in most cases, results of environmental testing). The coastal approvals at the Port may occur at the same time as the certification and approval of the environmental documentation or some time following that action.

6. Construction Activity. The Construction Management Division controls the construction activity at the Port. That division issues specifications and gets approvals to award contracts and to inspect contract activities. Awarding of contracts requires the appropriate permits to be in place so the contractor knows what restrictions are placed on its activities.

FLOW CHART OF CURRENT REVIEW AND PERMIT PROCESSES

REGULATORY FLOW CHART FOR CONTAMINATED DREDGE MATERIAL PROJECTS



APPENDIX B

STRATEGY ADOPTION REPORT FOR IMPLEMENTATION OF LONG-TERM MANAGEMENT PLAN FOR DREDGING AND DISPOSAL OF CONTAMINATED SEDIMENTS

Los Angeles Basin Contaminated Sediments Task Force
Process for Adopting a Long-Term Management Strategy

Introduction

The main product of the Task Force will be the Contaminated Sediment Long-Term Management Strategy for the Los Angeles Region. The strategy will provide information on the volume and location of contaminated sediments likely to be dredged within the next five to ten years, sources of pollution contributing to the sediment contamination problems, disposal alternatives (including upland and aquatic sites), and criteria for use and selection of the alternative appropriate for a given dredging project. The Task Force is expected to submit the completed strategy to the Executive Committee for approval, prior to submitting it to the agencies for adoption.

The Strategy does not become effective until it has been adopted by the four regulatory agencies (California Coastal Commission, Los Angeles Regional Water Quality Control Board, United States Environmental Protection Agency [USEPA] and United States Army Corps of Engineers). The Task Force is required to transmit the Long-Term Management Strategy to the Legislature by January 1, 2003. The Task Force plans to complete the final strategy by September 2002 and submit it to the Legislature by December 2002. The following discussion presents some of the issues pertaining to adoption of the Strategy by each agency. Appendix I shows the potential timelines to consider when preparing and adopting the Strategy.

California Coastal Commission

For the Coastal Commission to adopt a sediment management strategy, it must demonstrate that the strategy is consistent with California's Coastal Act and that it complies with the California Environmental Quality Act (CEQA). Once the Task Force has developed the Long-Term Management Strategy, this Strategy would proceed through an internal Coastal Commission review process. Commission staff would meet with upper management to discuss and obtain comments on the Strategy prior to any public workshops or hearings. Upon completing this internal review, Commission staff would present a draft Strategy for public review and comment. A public workshop would be scheduled as part of a Coastal Commission hearing to allow discussion of the strategy and receive comments from the Commissioners, the public and other interested parties. Once the public review process has been completed, staff would place the Strategy on the Commission agenda and submit a staff report recommending adoption of the Strategy. Official adoption of the Strategy by the vote of the Coastal Commission would indicate the agency's commitment to implement this plan.

Typically a minimum of four months would be required to complete the Coastal Commission's adoption process. Given that the Coastal Commission's Executive Director would have already reviewed and approved the Long-Term Management Strategy through participation on the Task Force's Executive Committee, the Commission's internal review process should proceed quickly. To facilitate the public review process, it might be possible to coordinate the Coastal Commission's public workshop on the Strategy with the Task Force's Annual Public Workshop.

The Long-Term Management Strategy to be adopted by the Coastal Commission might be general in scope. Depending on the types of recommendations presented in the Strategy, the document could be exempt from CEQA. If the strategy were to set forth enforceable policies, then an analysis of environmental impacts would be required. Depending on the recommendations in the Strategy, it could be necessary to seek changes to the language in the Coastal Act and/or the California Code of Regulations.

Los Angeles Regional Water Quality Control Board

For the Regional Board to adopt a sediment management strategy, it must demonstrate that the Strategy is consistent with the Clean Water Act, the Porter-Cologne Act and the CEQA. To avoid creating underground regulations, the Regional Board probably would choose to adopt the Strategy formally in a public hearing, either as a stand-alone plan or guidance document, or through incorporation into the Basin Plan as an amendment. Staff would prepare an environmental checklist and staff report on the Strategy. A public workshop, including at least a 30-day public review period, would be held by staff to discuss the strategy and receive public comments. Staff would prepare written responses to all comments received during the public review process, place the strategy on the Regional Board's agenda and submit a staff report recommending adoption of the strategy. In the case of a Basin Plan amendment, staff would prepare a Functional Equivalent Document, which would serve to comply with CEQA. Official adoption of the strategy by the vote of the Regional Board would indicate the agency's commitment to implement this plan. However, if there were a Basin Plan amendment, that amendment also must be submitted to the State Water Resources Control Board (SWRCB), Office of Administrative Law (OAL) and the USEPA for approval and would not take effect until approved by all three.

Typically a minimum of four to six months would be required to complete the Regional Board's adoption process. An additional three to six months might be required for approval of a Basin Plan amendment by SWRCB, OAL and USEPA. Given that the Regional Boards' Executive Officer would have already reviewed and approved the Long-Term Management Strategy through participation on the Task Force's Executive Committee, this would lend weight to the staff recommendation for adoption by the Regional Board. To facilitate the public review process, it might be possible to coordinate the Regional Board's public workshop on the strategy with the Task Force's Annual Public Workshop.

United States Army Corps of Engineers

For the Corps to adopt a sediment management strategy, it must demonstrate that the Strategy is consistent with the Clean Water Act, the Marine Protection, Research and Sanctuaries Act, the Rivers and Harbors Act, and the National Environmental Policy Act

(NEPA). A strategy that requires fundamental modifications to dredging permitting procedures could require a change in regulations at the headquarters level. Congress has established a number of requirements that agencies must meet when issuing regulations. However, it should be possible to develop a Memorandum of Agreement (MOA) for the strategy to be employed by the various regulatory agencies, outlining the permitting procedures to be applied within the context of existing regulations. This type of change would not need to go all the way to the headquarters level, but could be approved at the South Pacific Division level. Compliance with NEPA would require staff to prepare an Environmental Impact Statement (EIS), which would need approval at Headquarters. The MOA would be reviewed by the Regulatory Branch, Construction-Operations Division, prior to review by the District Engineer, Los Angeles District. The MOA then would be reviewed and approved by the Division Engineer, South Pacific Division. Signature of the MOA by the Division Engineer would indicate the agency's commitment to implement this plan.

In developing the MOA, the Corps could produce a programmatic EIS for the general types of disposal alternatives identified in the Strategy. In this case, project applicants could develop an Environmental Assessment, if there are no potentially significant adverse impacts, or an EIS for specific projects in the future. Preparation of an EIS could require approximately two years, although much of the background work already has been completed for the Marina Del Rey and Ballona Creek feasibility study and could be adapted for this purpose. Development and approval of an MOA would require six to twelve months to complete. Given that the Corps' District and Division Engineers already would have reviewed and approved the Long-Term Management Strategy through participation on the Task Force's Executive Committee, approval of the MOA should proceed quickly.

To implement the MOA and the Long-Term Management Strategy, the Corps might choose to develop a Regional General Permit (RGP) specific to dredging activities. This process might be completed within three to four months. Under this scenario, it might not be necessary to publish a Notice of Proposed Rulemaking in the Federal Register. A proposed RGP would go through the same steps as an individual permit application (i.e., public comment period, NEPA/CWA compliance documentation).

United States Environmental Protection Agency

For USEPA to adopt a sediment management strategy, it must demonstrate that the Strategy is consistent with the Clean Water Act, the Marine Protection, Research and Sanctuaries Act, the Rivers and Harbors Act, and NEPA. It should be possible to develop an MOA for the strategy to be employed by the various regulatory agencies, outlining the permitting procedures to be applied within the context of existing regulations. USEPA could work jointly with the U.S. Army Corps of Engineers to develop an EA or EIS for this process. In signing the MOA, the Regional Administrator would indicate the agency's commitment to implement this plan.

Given that USEPA's Regional Administrator already would have reviewed and approved the Long-Term Management Strategy through participation on the Task Force's Executive Committee, approval of the MOA should proceed quickly. USEPA could coordinate activities to work simultaneously with the Corps, thus completing tasks on the same schedule outlined above. USEPA might choose to create a Dredged Material Management Office to implement the Strategy. In this case, three to six months might be required to

execute this action. If the Corps were to choose to develop a Regional General Permit, USEPA would review and comment during development of the RGP. If there would be a need to designate a regional confined aquatic disposal site as part of the Strategy, USEPA might be the agency responsible for completing the designation process, which could require a total of four to five years.

Local Agencies

The adoption and implementation of the Long-Term Management Strategy would affect several local agencies, such as the Port of Los Angeles, Port of Long Beach and City of Long Beach. The Strategy could be more effective if it also were adopted at the local level by the appropriate agencies.

The California Coastal Commission already has certified a Port Master Plan (PMP) for the Port of Los Angeles and one for the Port of Long Beach. These plans identify land and water uses within the port boundaries and delegate coastal development permit responsibility to the ports. Each port could choose to amend its plan, seeking to incorporate the provisions of the Long-Term Management Strategy. These amendments could be approved by the Coastal Commission at the same time that it considers approval of the Strategy itself, or the amendments could be considered at a separate meeting following adoption of the Strategy. Although the ports may amend their certified PMPs, no amendment may take effect until the Coastal Commission certifies the amendment. Once the Coastal Commission has certified an amendment to the plan, project proponents might not need to go through the Federal Consistency or Coastal Development Permit process to implement elements of the Strategy.

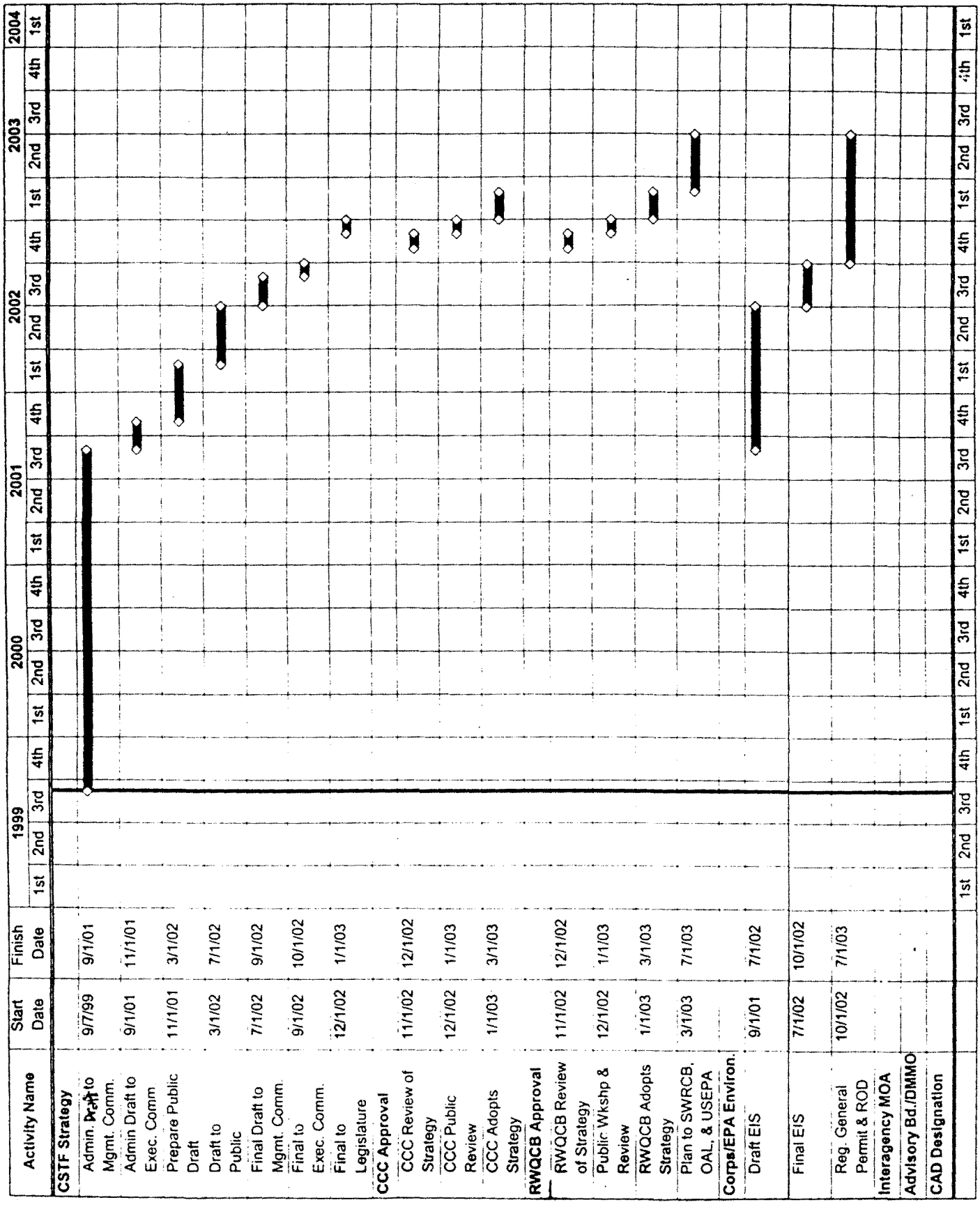
Alternatively, the Ports may choose to adopt the recommendations of the Task Force without amending their PMPs. In this case, each Port could ask its Board of Harbor Commissioners to adopt a resolution supporting implementation of the provisions of the Long-Term Management Strategy.

The California Coastal Commission already has certified a Local Coastal Program (LCP) for the City of Long Beach. This program consists of a land-use plan and implementing ordinances. The City of Long Beach might choose to amend its LCP to include the provisions of the Long-Term Management Strategy. Once the City Council has approved the amended LCP, it would be submitted to the Coastal Commission for certification.

Under the Coastal Act, local agencies would be required to adopt amendments to the PMPs and LCP if those agencies agreed under the Strategy to impose requirements or establish policies to be implemented in the coastal zone. To the extent that the Strategy might not include polices or requirements to be implemented by the ports or city, then the agencies would not need to amend the PMPs or LCP. Instead, the agencies could develop resolutions that would be adopted by the agencies' respective boards. These resolutions could serve as a mechanism to demonstrate support for the Strategy.

APPENDIX I

STRATEGY TIMELINE



Activity Name	Start Date	Finish Date
CSTF Strategy		
Admin. Draft to Mgmt. Comm.	9/7/99	9/1/01
Admin Draft to Exec. Comm	9/1/01	11/1/01
Prepare Public Draft	11/1/01	3/1/02
Draft to Public	3/1/02	7/1/02
Final Draft to Mgmt. Comm.	7/1/02	9/1/02
Final to Exec. Comm.	9/1/02	10/1/02
Final to Legislature	12/1/02	1/1/03
CCC Approval		
CCC Review of Strategy	11/1/02	12/1/02
CCC Public Review	12/1/02	1/1/03
CCC Adopts Strategy	1/1/03	3/1/03
RWQCB Approval		
RWQCB Review of Strategy	11/1/02	12/1/02
Public Wkshp & Review	12/1/02	1/1/03
RWQCB Adopts Strategy	1/1/03	3/1/03
Plan to SWRCB, OAL, & USEPA	3/1/03	7/1/03
Corps/EPA Environ.		
Draft EIS	9/1/01	7/1/02
Final EIS	7/1/02	10/1/02
Reg. General Permit & ROD	10/1/02	7/1/03
Interagency MOA		
Advisory Bd./DMMO		
CAD Designation		

APPENDIX C

MEMORANDUM OF UNDERSTANDING BETWEEN EIGHT AGENCIES TO DEVELOP MANAGEMENT STRATEGIES FOR CONTAMINATED SEDIMENTS

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AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING

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 LONG BEACH, CALIFORNIA
and
THE CITY OF LONG BEACH, CALIFORNIA
and
THE CITY OF LOS ANGELES, CALIFORNIA
to
DEVELOP MANAGEMENT STRATEGIES FOR CONTAMINATED SEDIMENTS

This MEMORANDUM OF UNDERSTANDING (hereinafter referred to as the "MOU") entered into this fifteenth day of March, 1999, 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 CITY 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

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 to 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 City of Los Angeles, acting by and through its Board of Harbor Commissioners, owns and operates a deep draft commercial harbor at the Port of Los Angeles; 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 City of Long Beach, acting by and through its Board of Harbor Commissioners, owns and operates a deep draft commercial harbor within its Harbor District (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 Port of Long Beach 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 Long Beach's boundaries; and

WHEREAS, the City of Long Beach also owns and operates various commercial navigation facilities in locations outside of its Harbor District, including a waterborne transportation corridor in the Estuary which is important to the local economies of the City of Long Beach and of 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 it's 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 conducts periodic dredging at Port of Los Angeles, Port of Long Beach, the Estuary and Marina del Rey to maintain safe navigation and/or to construct port and harbor improvements; 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 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 funds received by one or more member of the Parties and specifically identified 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 , or other "in-kind" support, 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. This Memorandum of Understanding recognizes that there are existing contributions from the County, the Corps of Engineers and others, that will indirectly contribute to the efforts of the Task Force.

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 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 of 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. Prior to implementation of a regional management plan, all parties whose approval is sought agree to review project specific disposal alternatives on their individual merits.

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

8. Any Party may terminate their participation in the Task Force upon written notification to the remaining parties.

MEMORANDUM OF UNDERSTANDING
AMENDMENT NO. 1
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 LONG BEACH, CALIFORNIA
and
THE CITY OF LONG BEACH, CALIFORNIA
and
THE CITY OF LOS ANGELES, CALIFORNIA
to
DEVELOP MANAGEMENT STRATEGIES FOR CONTAMINATED SEDIMENTS

This MEMORANDUM OF UNDERSTANDING entered into this fifteenth day of March, 1999, 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 CITY OF LOS ANGELES, CALIFORNIA, acting by and through the Board of Harbor Commissioners (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, acting by and through the Board of Harbor Commissioners (hereinafter referred to as the "Port of Long Beach"),

WITNESSETH THAT:

WHEREAS, the abovementioned agencies entered into a MEMORANDUM OF UNDERSTANDING on the fifteenth day of March, 1999; and

WHEREAS, the Karnette bill (SB 679) added Section 13396.9 to the Water Code; and

WHEREAS, Section 13396.9 of the water code contains specific provisions pertaining to the establishment of the multiagency Los Angeles Basin Contaminated Sediments Task Force and development of a long-term management plan for the dredging and disposal of contaminated sediments in coastal waters adjacent to the County of Los Angeles; and

WHEREAS, certain provisions of Section 13396.9 of the water code are different from those contained in the MEMORANDUM OF UNDERSTANDING; and

WHEREAS, the Parties agree to amend the MEMORANDUM OF UNDERSTANDING to achieve consistency with and incorporate the requirements of Section 13396.9 of the Water Code.

NOW, THEREFORE, the MEMORANDUM OF UNDERSTANDING shall be amended as follows:

1) Section 2. is deleted and replaced with the following:

2. The Parties agree to develop a long-term dredge material management plan, in cooperation with all interested parties, for the dredging and disposal of contaminated sediments from the coastal waters adjacent to the County of Los Angeles. The plan shall include identifiable goals for the purpose of minimizing impacts to water quality, fish and wildlife, through the management of sediments. The plan shall include measures to identify environmentally preferable, practicable disposal alternatives, promote multiuse disposal facilities, upland disposal and beneficial reuse, and support efforts within the Parties' various jurisdictions for watershed management to control contaminants at their source.

2) Section 5. is deleted and replaced with the following:

5. The Parties agree to:

a. seek additional funding for any new studies determined to be necessary for the development of the management plan;

b. conduct at least one annual public workshop to review the status of the management plan and to promote public participation;

c. participate in the development of the long-term dredge material management plan to be completed on or before January 1, 2003, based on the recommendations of the task force.

d. finalize the management plan, including procedures to coordinate the activities of the regulatory agencies, for adoption by the respective governing boards and/or management of the Los Angeles Regional Water Quality Control Board, California Coastal Commission, U.S. Environmental Protection Agency and U.S. Army Corps of Engineers.

6. Upon adoption of the management plan by the Los Angeles Regional Water Quality Control Board, California Coastal Commission, U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, these agencies agree to implement the plan, subject to the availability of funds.

LOS ANGELES BASIN CONTAMINATED SEDIMENTS TASK FORCE

For more information, please contact:

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