

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200

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W 14c & 14d

STATUS REPORT ON

ARMY CORPS NEGATIVE DETERMINATIONS

DATE: May 23, 2000

TO: Coastal Commissioners And Interested Parties

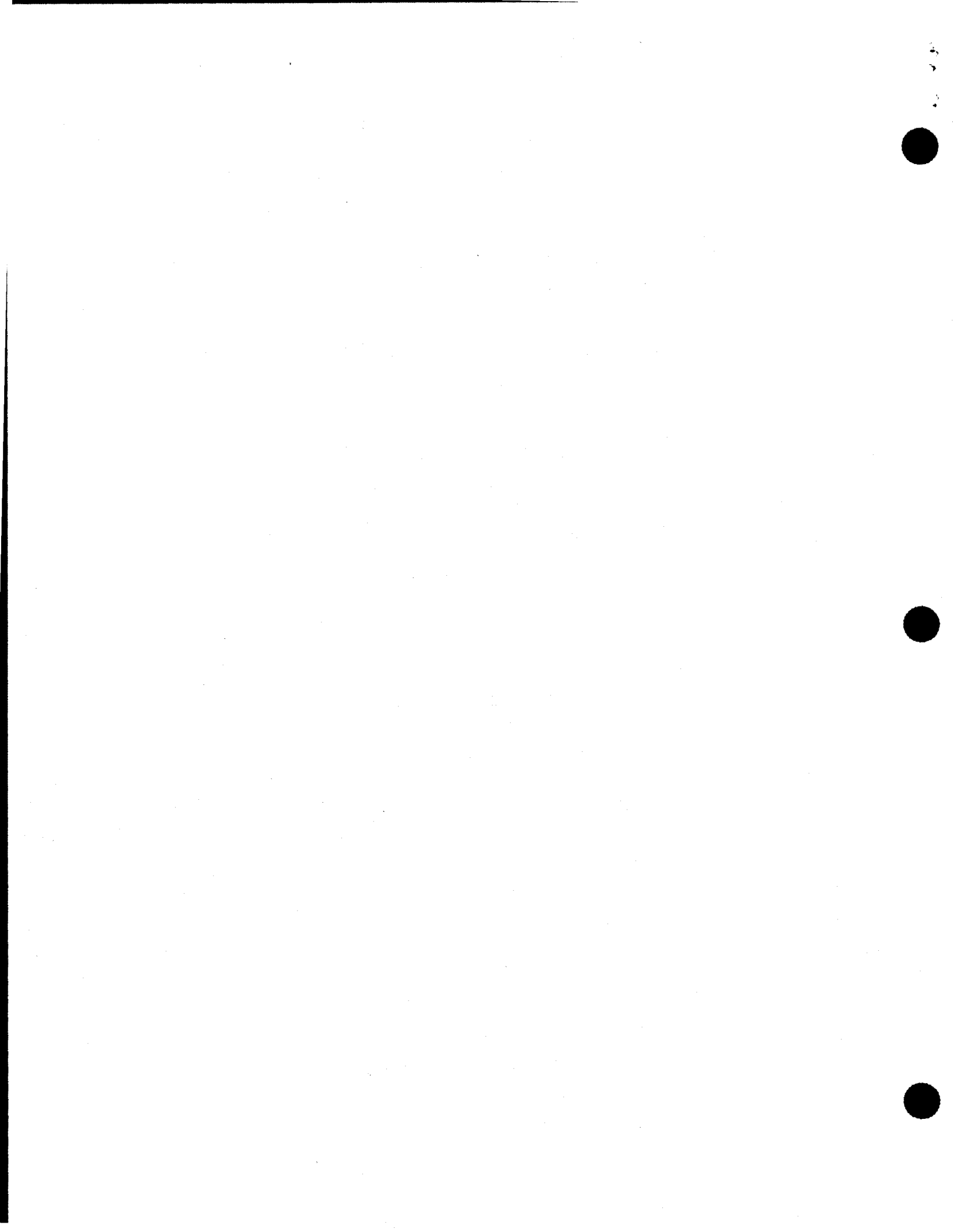
FROM: Peter Douglas, Executive Director
Mark Delaplaine, Federal Consistency Supervisor

RE: U.S. Army Corps of Engineers Negative Determinations
ND-38-00 Army Corps: Modifications to Queen's Gate Main Channel Deepening project; and ND-51-00: Dredging at Area AIII Borrow Site material for EPA pilot capping

STAFF NOTE: The U.S. Army Corps of Engineers has submitted two Negative Determinations accompanying the Environmental Protection Agency's (EPA's) consistency determination for a pilot study of "in-situ" capping as part of its ongoing Superfund investigation of the Palos Verdes Shelf (see Staff Recommendation for CD-52-00 for further discussion). The Corps' submittal is in two parts because of the need for more than one type of material to enable the testing of assumptions about a range of grain sizes in the pilot project. Most of the material (300,000 - 500,000 cu. yds.) would come from the already authorized Queens Gate/Main Channel Deepening project (ND-38-00 - Exhibit 1). Due to the need for experimenting with coarser sediments, up to an additional 20,000 cu. yds. would come from the "Borrow Area AIII" site (ND-51-00 - Exhibit 2).

If the Commission concurs with EPA's consistency determination (CD-52-00) at the June 14, 2000, Commission meeting, then the next items on the agenda, these two negative determinations, can be acted on. Attached are two *draft* Executive Director concurrence letters for these negative determinations, which will not be signed until after the public hearing and after the Commission acts on EPA's consistency determination. If the Commission does not concur with CD-52-00, then these letters will not be signed or will need to be modified.

Attachments: Two draft negative determination concurrence letters
Three Exhibits (dredge and disposal locations)



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May 23, 2000

Robert E. Koplin, Chief
Planning Division
U.S. Army Corps of Engineers
Los Angeles District
Attn: Larry Smith
P.O. Box 532711
Los Angeles, CA 90053-2325

RE: **ND-038-00** Negative Determination, Army Corps, Modification to previously-concurred-with consistency determination (CD-54-95) for Port of Long Beach Queens Gate Channel Deepening to use material for pilot project to cover contaminants at Palos Verdes Shelf, offshore of Long Beach and San Pedro, Los Angeles County

Dear Mr. Koplin:

On September 13, 1995, the Coastal Commission concurred with the Army Corps' consistency determination (CD-54-95) for dredging of 5.6 million cu. yds. of material to deepen the Main Channel into the Port of Long Beach, with disposal as follows: 2 million cu. yds. at the Pier 400 Landfill, 2.1 million cu. yds. at the Main Channel Borrow Pit, and 1.5 million cu. yds. at the Energy Island borrow pit. On June 15, 1998, the Commission staff concurred with a negative determination (ND-63-98) for a modification of the project to allow up to 4 million cu. yds. to be disposed at an "anchorage area borrow pit."

The Corps has submitted a negative determination for further modification of the project to use 300,000 to 500,000 cu. yds. of this material for disposal as a pilot project associated with the Environmental Protection Agency's (EPA's) proposal to cap the historic "Superfund"¹ site of DDTs and PCBs at White's Point on the Palos Verdes Shelf. Disposal of the remainder of the material would remain as previously authorized (see first paragraph).

¹ Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

EPA has submitted a consistency determination for the pilot/demonstration project for Commission consideration at the June 2000 meeting. National Oceanic & Atmospheric Administration studies have established that capping of the contaminated sediments is technically feasible, and EPA is proposing a limited capping project to further refine alternatives, look at behavior of different grain size capping material, monitor resuspension impacts, compare disposal equipment alternatives, and demonstrate that the site can be capped and obtain other field data on short-term processes and behavior of the cap as placed.

The Corps' submittal is in two parts (ND-038-00 & ND-051-00), because of EPA's need to obtain different grain sizes for experimentation in the pilot project. Finer sediments would be used from the Queens Gate Main Channel site (the subject ND-038-00); coarser sediments would be used from the Borrow Area AIII site (ND-051-00). All the material has been tested and is suitable for open ocean disposal.

Under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The proposed dredging is similar to (and has already been authorized through) the above-referenced Corps consistency and negative determinations (CD-54-95 and ND-63-98). The proposed disposal is similar to EPA's consistency determination (CD-52-00). We therefore **concur** with your negative determination for this revised project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

PETER M. DOUGLAS
Executive Director

cc: Long Beach Area Office
California Department of Water Resources
Governors Washington D.C. Office
Environmental Protection Agency (Fred Schauffler)

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May 23, 2000

Robert E. Koplín, Chief
Planning Division
U.S. Army Corps of Engineers
Los Angeles District
Attn: Larry Smith
P.O. Box 532711
Los Angeles, CA 90053-2325

RE: **ND-051-00** Negative Determination, Army Corps, Dredging at "Borrow Area AIII"
site, offshore of Long Beach and San Pedro, Los Angeles County

Dear Mr. Koplín:

The Corps has submitted a negative determination for dredging at "Area AIII Borrow Site" of up to 20,000 cu. yds. of material for disposal as part of a pilot project associated with the Environmental Protection Agency's (EPA's) proposal to cap the historic "Superfund"¹ site of DDTs and PCBs at White's Point on the Palos Verdes Shelf. EPA has submitted a consistency determination for the pilot/demonstration project for Commission consideration at the June 2000 meeting. National Oceanic & Atmospheric Administration studies have established that capping of the contaminated sediments is technically feasible, and EPA is proposing a limited capping project to further refine alternatives, look at behavior of different grain size capping material, monitor resuspension impacts, compare disposal equipment alternatives, and demonstrate that the site can be capped and obtain other field data on short-term processes and behavior of the cap as placed.

The Corps' submittal is in two parts (ND-038-00 & ND-051-00), because of EPA's need to obtain two different grain sizes for experimentation in the pilot project. Up to 20,000 cu. yds. of coarse sediments would be used from the new dredging at Borrow Area AIII (the subject ND-051-00); the remainder of the material (i.e., finer sediments) would be used from the Queens Gate/Main Channel site (ND-038-00). All the material has been tested and is suitable for open ocean disposal.

¹ Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

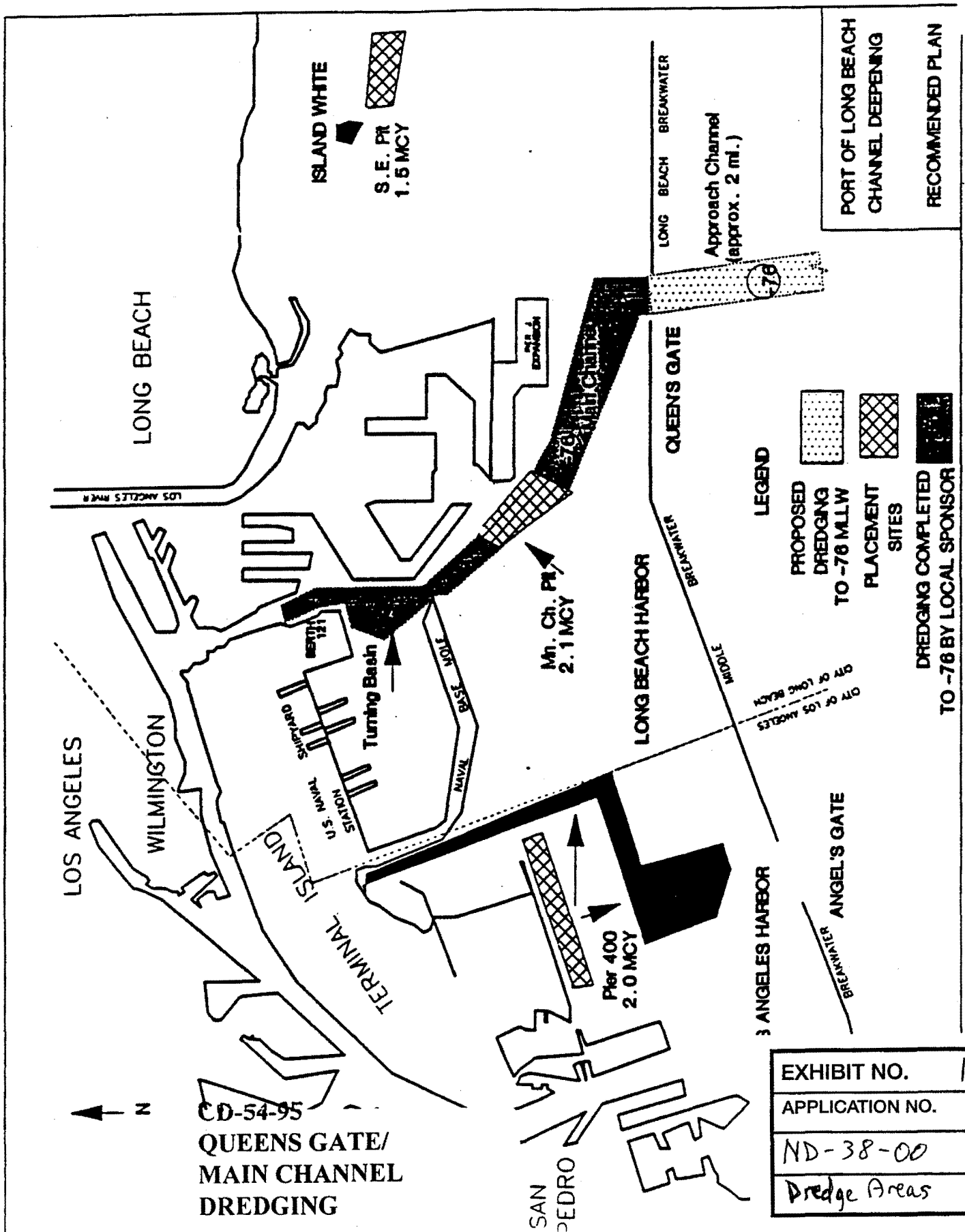
Under the federal consistency regulations a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The proposed dredging and disposal activities are similar to related actions described in EPA's consistency determination (CD-52-00). We therefore **concur** with your negative determination for this project made pursuant to Section 15 CFR 930.35(d) of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

PETER M. DOUGLAS
Executive Director

cc: Long Beach Area Office
California Department of Water Resources
Governors Washington D.C. Office
Environmental Protection Agency (Fred Schauffler)

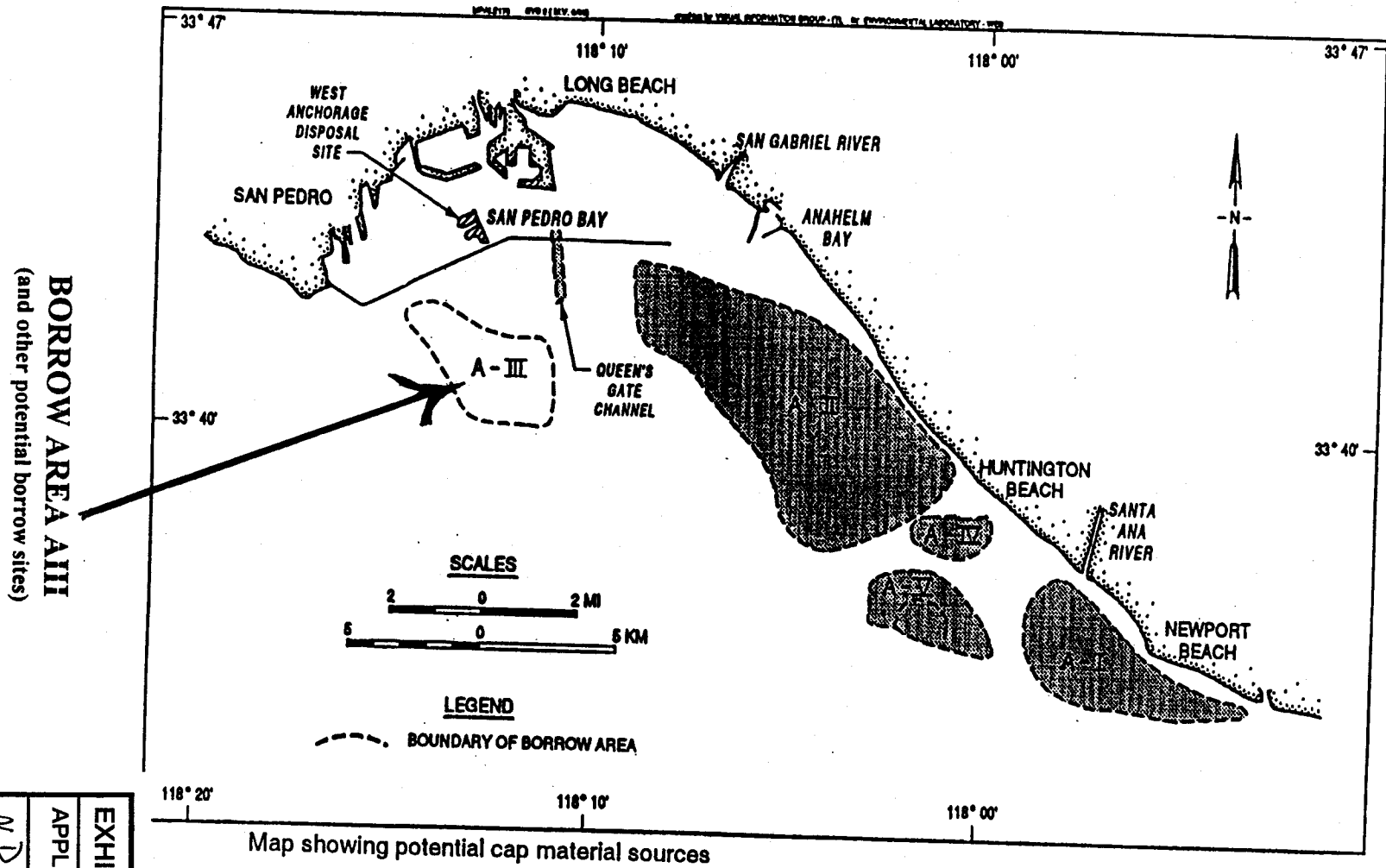
FIGURE 2. RECOMMENDED PLAN DREDGED MATERIAL PLACEMENT AREAS.



CD-54-95
 QUEENS GATE/
 MAIN CHANNEL
 DREDGING

EXHIBIT NO.	1
APPLICATION NO.	ND-38-00
Dredge Areas	

FIGURE 2. Potential Borrow Sites



BORROW AREA A-III
(and other potential borrow sites)

EXHIBIT NO. 2

APPLICATION NO.

ND-51-00

Dredge Area

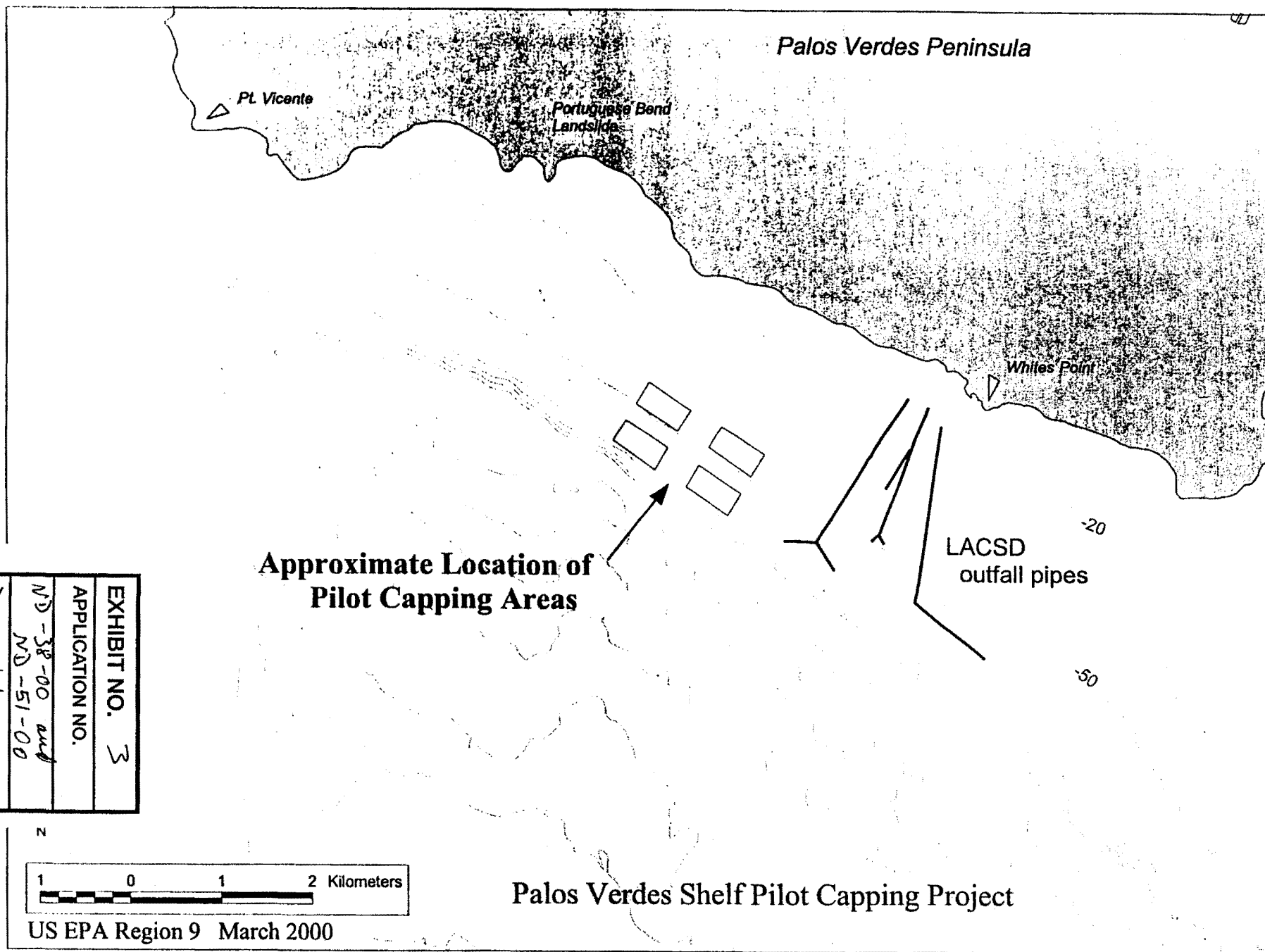


EXHIBIT NO. 3
APPLICATION NO.
ND-38-00 and ND-51-00
Disposal location

Figure 3. Location of Pilot Capping Cells

