

Los Angeles Basin Contaminated Sediments Task Force
Advisory Committee Guidelines

Introduction/Background

Section 13396.9 of the California Water Code established the Los Angeles Basin Contaminated Sediments Task Force (CSTF) in order to develop a long-term management plan for the dredging and disposal of contaminated sediments from the coastal waters of the County of Los Angeles. Pursuant to this legislation, a Memorandum of Understanding (MOU) was established between eight federal, state and local agencies to participate in the development of the long-term management plan, which would be completed during the term of the CSTF. Acknowledging this lengthy process, an Interim Advisory Committee was established to facilitate the review of certain dredging projects occurring prior to the implementation of the Long Term Management Strategy. The CSTF now wishes to establish a permanent Advisory Committee as a replacement of the Interim Advisory Committee and provide guidelines to the members of the Advisory Committee in the review of dredging projects that require movement of contaminated sediments. It is anticipated that the proven components of these guidelines, as modified through use, will be incorporated into the Long Term Management Strategy being developed by the CSTF.

Purposes of Guidelines

This document provides for the creation of the Contaminated Sediments Task Force Advisory Committee (hereafter the “Advisory Committee”) for the Los Angeles County Region. The purposes of the Advisory Committee and these guidelines include the following:

- Provide a forum for the resolution of contaminated dredge material management issues prior to or concurrent with the existing regulatory permitting program.
- Provide for synergistic opportunities for the resolution of regional disposal of contaminated dredge material between different dredging projects when practicable.
- Facilitate the permitting process for dredging projects involving contaminated sediments by promoting concurrent project review.
- When practicable, provide an opportunity for the tailoring, collection and transfer of information obtained during project planning and implementation, to the benefit of the goals of the CSTF long term management strategy.

Participants in this process agree to participate in good faith in fulfilling these purposes.

Planning/Regulatory Process

The process for the review of dredging activities that affect contaminated sediment (including the disposal or reuse of contaminated dredged materials) will be incorporated into the existing regulatory process¹ (Attachment 1). The Advisory Committee will, through a consensus approach, make joint recommendations on the approval or modification of:

¹ Disclaimer. Nothing written in these guidelines shall be construed as an agreement, expressed or implied, which amends, negates or otherwise changes the legal statutory and regulatory authority of any participating agency or

- Sampling and Analysis Plans (SAP)
- Contaminated Dredge Materials Disposal Plan (CDMDP) and proposed BMPs(Attachment 2).
- Consolidated Permit Application (Attachment 3) completeness as it relates to contaminated sediment issues.

Participants may also recommend project conditions (e.g. BMPs, length of permit, bathymetric surveys, timing of dredging operation, turbidity controls, monitoring), as appropriate, to be included in relevant permit approvals (404, WDR). The exception to this would be Regional General Permits (RGPs), which have standardized, previously established conditions. Members can provide recommendations for additional constraints on projects covered by the RGPs, but cannot alter the conditions of the actual RGPs. Recommendations will be documented in Advisory Committee meeting records.

If the proposed project contains components that may contribute to the long term management strategy effort, the Advisory Committee will review the merits of these components, and as applicable, provide suggestions to strengthen each component's contribution to the Long Term Management Strategy, without providing an excessive financial or technical burden on the project proponent.

Advisory Committee Participants

The committee will include the following participants:

Applicant (one of the following depending on the project jurisdiction)

- U.S. Army Corps of Engineers – Planning/Operations
- Port of Los Angeles
- Port of Long Beach
- City of Long Beach
- County of Los Angeles
- Other

Regulatory (all should be present)

- U. S. EPA Region IX
- U. S. Army Corps of Engineers – Regulatory
- Los Angeles District Regional Water Quality Control Board
- California Coastal Commission

Resource Agency (one or more representative at CDMDP meeting depending on issues)

- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- California Department of Fish and Game

Environmental Public Interest Group (at least one should be present)

- Heal the Bay
- Other

interested part. The intent of the Advisory Committee and guidelines is to improve the dredging permit process within existing law, regulation and policy.

Each agency/organization shall designate a primary representative/point of contact and an alternate (secondary) contact should the primary contact be unavailable. These points of contact will be recorded as provided in Attachment 4 and updated immediately if any points of contact should change.

Project Advisory Committee Meeting Review Process

The Advisory Committee will meet on an as-needed basis, to discuss upcoming dredging projects as they arise in accordance with the process identified in Attachment 1. It will be the responsibility of the dredging project proponent (Applicant) to coordinate the Advisory Committee meetings and process. In addition to *ad hoc* meetings, the Advisory Committee will meet at least twice a year to identify upcoming projects. Under normal circumstances it will be the judgment of the U. S. Army Corps of Engineers and/or the U. S. EPA staff to determine whether a project should be reviewed by the Advisory Committee. This decision is usually based on an Applicant's Sampling and Analysis Plan (SAP) or CDMDP.

The Applicant's Draft SAP and final CDMDP will be provided to: ACOE, EPA, Heal the Bay, CCC, and the RWQCB. Recipients have fourteen (14) days to provide initial feedback on the SAP, and/or request an advisory committee meeting.

The Applicant's Draft CDMDP will be provided to: ACOE, EPA, Heal the Bay, CCC, and the RWQCB. Recipients have twenty-one (21) days to provide initial feedback on the CDMDP, and/or request an advisory committee meeting. The Applicant's Final CDMDP should contain a list of proposed required BMPs and alternate/conditional BMPs, as well as a preliminary determination on disposal suitability from the proponent. The Applicant will submit a draft copy of the CSTF consolidated permit application with the CDMDP.

An Advisory Committee Meeting should be scheduled within ten (10) working days of the request. The U. S. Army Corps of Engineers will notify Advisory Committee participants if they intend to call an Advisory Committee for that project. Alternatively, an Applicant may voluntarily request review by the Advisory Committee. Other participants may request a project review if their concerns cannot be addressed by communication with the other participants. It will be the responsibility of the project Applicant, or its designee, to coordinate the Advisory Committee meetings and process associated with their own projects.

The Committee will review the SAP or CDMDP and, if necessary, will recommend appropriate modifications that are consistent with the Long Term Management Strategy. Absence from an Advisory Committee meeting by a participant shall not be construed as consensus with any recommendations made by the Committee at that meeting; however, all parties (primary or alternate point of contact) commit to meeting in person or, at a minimum, participating by conference call, and all parties commit to participate fully in resolving the wording of the final Advisory Committee meeting record. The Applicant may, at its sole discretion, extend the Advisory Committee process schedule. If a final permit application has been formally submitted to a regulatory agency, any extension of the processing would be in accordance with the agency's administrative requirements.

The Applicant will keep a record of the committee's proceedings. The key points of each meeting will be summarized by the Applicant prior to termination of the meeting. Within five (5) working days of each meeting, the Applicant will prepare a summary of the committee proceedings for submission to Advisory Committee members for review. Comments on each meeting record must be submitted as soon as possible but no later than five (5) days following receipt from the Applicant. The meeting record prepared following the final Advisory Committee meeting on a project shall be placed on CSTF letterhead. While the goal of the committee is to reach consensus, dissenting opinions shall not halt the process. The meeting record, which is written by the applicant, must be an accurate record of the proceedings including a discussion of findings, recommendations, and all outstanding issues related to the Advisory Committee mandate. Any dissenting opinions will be included in the final meeting record. If there is disagreement on the content of the final memo, then the parties agree to convene at the earliest possible time to resolve the contents of the memo. While the Committee is advisory in nature and its recommendations do not predispose authority vested in the various regulatory agencies, the parties will use their best effort to accurately represent their agencies' regulatory perspective and will support the contents of the Advisory Committee record during the regulatory process.

Agency Review

Following the conclusion of the Advisory Committee meeting(s) the project proponent will proceed with the normal regulatory process. The approved Advisory Committee final meeting record will be submitted by the project proponent with the consolidated permit application if applicable.

Emergency Actions

This strategy recognizes that for federally maintained navigation projects, emergency declarations are at the discretion of the U.S. Army Corps of Engineers' local District Commander. When practicable, emergency dredging operations will be coordinated with the Advisory Committee prior to initiation of such activities. If the emergency prohibits this coordination, the Corps will, to the extent feasible under the emergency conditions, implement the project in conformance with the Long Term Management Strategy, or until such plan is completed, in a manner consistent with other recently completed contaminated sediment dredging projects.

We the undersigned agree to comply with these guidelines.

U.S. Environmental Protection Agency

California Coastal Commission

U.S. Army Corps of Engineers

City of Long Beach

County of Los Angeles

Port of Long Beach

Port of Los Angeles

Heal the Bay

**INTERIM DREDGE MATERIAL DISPOSAL PLAN
PROCESS FLOW SHEET**

ATTACHMENT 2

ELEMENTS OF THE CONTAMINATED DREDGE MATERIAL DISPOSAL PLAN

Project Description

The Contaminated Dredge Material Disposal Plan (CDMDP) shall include a brief project description with includes basic information such as project purpose, project location including a map, dredge quantities, project schedule, etc. A draft Consolidated Permit Application shall accompany the CDMDP.

Sampling Results

The CDMDP should not be submitted until sampling results are available per the existing EPA-approved testing protocol for that location. The Dredge Material Disposal Plan should contain a summary of those sampling efforts including a summary of the bulk chemistry and the biological results (if available).

Management Alternatives Considered

The CDMDP should include a narrative/matrix of disposal alternatives being considered including the preferred alternative. The reasons for accepting or rejecting alternatives should be stated. The preferred alternative in particular should have enough detail to allow the Advisory Committee to make reasoned recommendations on the proposed project.

Special Project Benefits

Any special features of the proposed project that might further the overall goals and objectives of the long term management plan, and do not unduly burden the proposed project, should be included. For example, the project may include a monitoring component that will provide useful information to one or more of the strategy development committees and this could be coordinated to maximize any benefit to the long term program.

**CONSOLIDATED DREDGED MATERIAL REUSE/DISPOSAL PERMIT
APPLICATION**

ATTACHMENT 4.

CSTF ADVISORY COMMITTEE PARTICIPANTS