

Overview of Corps National Dredging Program and Regulations

Tab A

MR. JOE WILSON

KEY WORDS: Regulations, Laws,
Policies

Corps' Mission

- To maintain navigation
- Dredging and disposal of sediment from waterways
- Proper management of contaminated sediment from navigation projects

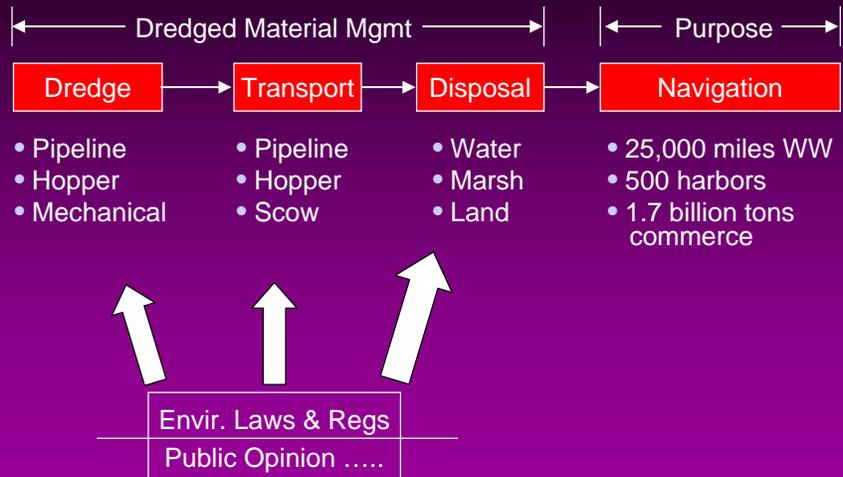
Navigation System

- 25,000 miles = 8 trips between New York and Los Angeles
- 11,000 miles are commercially important

Typical Projects

- Federal channels
- Private channels, berths (permits)
- Navy

National Dredging Program



Quantities of Dredged Sediments

- 250 million cubic yards from 25,000 miles of navigation **channels**
- 75 million cubic yards from **permits**
- 325 million cubic yards **each year**

How Much Dredged Material?



> 1½ feet deep
over Chicago

> 5½ feet deep over
Washington, D.C.



Authorization

- Rivers and Harbors Act of 1889,
 - Section 10
- Clean Water Act
 - Section 404
- Marine Protection, Research, and Sanctuaries Act
 - Section 103

Quantities of Dredged Material Placed

- 55 million cubic yards regulated by the Marine Protection, Research, and Sanctuaries Act
- 270 million cubic yards regulated by the Clean Water Act

Quantities of Contaminated Sediments

- 3% to 5% or 12 to 20 million cubic yards require special handling and management

Navigation Dredging Versus Cleanup Dredging

Navigation Dredging (33CFR Parts 335-338)

- EPA/Corps Technical Framework for DM
- Testing and Evaluation Manuals for Ocean (103) and Inland (404) Waters - National and Regional Manuals
- Ocean Site Designation Manual
- Dredged Material Capping Guidance Manual
- Upland Testing Manual

Authorities for Contaminated Sediment Cleanup

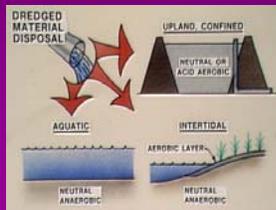
- Section 115 of Clean Water Act
- Section 118 of Clean Water Act
- CERCLA/SARA (Superfund)
- CERCLA Natural Resources Damage Assessment
- Section 312 Water Resources Development Act of 1990

Cleanup Dredging Work for Others Authorities

- EPA
 - Clean Water Act (1972) Section 115
 - CERCLA (1980)
 - SARA (1986)
 - Water Quality Act (1987) - Great Lakes
 - WRDA 1990 S312 - Environmental Dredging
- NOAA
 - SARA/NRT - Natural Resource Trustee

National and International Leadership

London Convention



CORPS/EPA
Disposal Guidelines &
Criteria

**Environmental Laws
and Regulations
Applicable
to Dredging and
Dredged Material
Disposal Activities**

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 1. National Environmental Policy Act of 1969**
2. Executive Order 11514
3. Environmental Quality Improvement Act of 1970
4. Executive Order 12088, Federal Compliance - Pollution Control Standards
5. Executive Order 11564, Transfer of Oceanographic Programs
6. Executive Order 11988, Floodplain Management
7. Executive Order 11990, Protection of Wetlands
8. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

9. Executive Order 12291, Federal Regulation

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

10. Executive Order 12301, Integrity and Efficiency in Federal Programs
11. Executive Order 12372, Intergovernmental Review of Federal Programs
12. Executive Order 12498, Regulatory Planning Process
- 13. Comprehensive Environmental Response, Compensation and Liability Act of 1980**
14. Environmental Education Act of 1978
15. Environmental Programs Assistance Act of 1984

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 16. Clean Air Act**
 - Section 309
- 17. Resource Conservation and Recovery Act of 1976**
- 18. Federal Water Pollution Control Act of 1972
(amended and renamed the Clean Water Act of 1977)**
 - Section 301 - Effluent Limitations
 - Section 303 - Water Quality Standards and Implementation Plans
 - Section 313 - Federal Facilities Pollution Control

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- Section 401 - WQ Certification
- Section 402 - NPDES
- Section 403 - Ocean Discharge Criteria
- Section 404 - Permits for Dredged Material or Fill
- Section 405 - Disposal of Sewage Sludge

19. Water Quality Act of 1987

20. **Rivers & Harbors Act of 1899 (The Refuse Act)**

- Section 10 - Permits for Structures and Activities in Navigable Waters
- Section 13 - Refuse Act

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

21. Water Resource Planning Act
22. Port & Tanker Safety Act of 1979
23. Oil Pollution Act of 1990
24. **Marine Protection, Research, and Sanctuaries Act of 1972 (commonly called the Ocean Dumping Act)**
 - Title I - Ocean Dumping
 - Section 102 - EPA permits
 - Section 103 - COE permits

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

This section provides authority to the Corps to designate ocean dumping sites for dredged material in the event that EPA designated sites are not feasible for use.

- Section 106 - Relationship to Other Laws
 - Title II - Comprehensive Research on Ocean Dumping
 - Title III - National Marine Sanctuaries
25. Safe Drinking Water Act
 26. Estuary Protection Act of 1968
 27. National Ocean Pollution Act of 1978
 28. Reservoir Salvage Act of 1968

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

29. River and Harbor and Flood Control Act of 1970
30. Water Resources Development Act of 1976
 - Section 145 - Sand Fill
 - Section 148 - Disposal Areas
 - Section 150 - Wetlands
31. Water Resources Development Act of 1986
 - Section 924 - Office of Environmental Policy
 - Section 933 - Cost-sharing for Disposal of Material on Beaches
 - Section 1135 - Project Modification for Improvement of the Environment

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- Section 1146 - Acceptance of Certain Funds for Mitigation
- 32. Water Resources Development Act of 1988
 - Section 35 - State Funding for Section 933 Activities
- 33. Water Resources Development Act of 1990
 - Section 304 - Project Modification for Improvement of the Environment
 - Section 306 - Environmental Protection Mission
 - Section 307 - Wetlands
 - Section 312 - Environmental Dredging

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

Section 312(a) authorizes the Corps to dredge contaminated sediments outside but adjacent to the navigation limits where the economy of moving large quantities of contaminated dredged material offers cost savings over annually dredging only within the confines of the channel, and/or when the contaminated material can be permanently removed thereby reducing future dredging costs. The local sponsor is responsible for all disposal costs under Section 312(a). Section 312(b) provides for removal of contaminated sediments for the purpose of environmental enhancement and water quality improvement if such removal is requested by the sponsor who agrees to pay 50 percent of the removal cost and 100 percent of disposal cost; however, because removal of contaminated sediments is an EPA responsibility via Superfund, no Civil Works funds will be expended under Section 312(b). Additional information and requirements are provided on Section 312 in Policy Guidance Letter No. 35 dated 17 March 1992.

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

34. Water Resources Development Act of 1992

- Section 202- Projects for Improvements of the Environment
- Section 204- Beneficial Uses of Dredged Material
- Section 207- Cost-sharing for Disposal of Dredged Material on Beaches
- Section 216- Dredged Material Disposal Areas
- Section 333- Fish and Wildlife Mitigation
- Section 345- Bank Stabilization and Marsh Creation
- Section 405- Sediments Decontamination Technology

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

35. Water Resources Development Act of 1996

- Section 205- Environmental Dredging
- Section 207- Beneficial Uses of Dredged Material
- Section 217- Dredged Material Disposal Facility Partnerships
- Section 226- Sediments Decontamination Technology
- Section 506- Periodic Beach Nourishment
- Section 509- Maintenance of Navigation Channels

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- Section 513- Great Lakes Confined Disposal Facilities
- Section 514- Great Lakes Dredged Material Testing and Evaluation Manual
- Section 516- Sediment Management
- Section 555- Dredged Material Containment Facility for Port of NY & NJ
- Section 570- Dredged Material Containment Facility for Port of Providence, RI

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

36. Water Resources Development Act of 1999
- Section 204- Sediments Decontamination Technology
 - Section 209- Beneficial Uses of Dredged Material
 - Section 217- Disposal of Dredged Material on Beaches
 - Section 224- Environmental Dredging
 - Section 503- Contaminated Sediment Dredging Technology
 - Section 512- Beneficial Uses of Dredged Material
 - Section 578- Dredging of Salt Ponds in Rhode Island

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 37. Federal Environmental Pesticide Control Act of 1972
- 38. Outer Continental Shelf Lands Act
- 39. Coastal Zone Management Act of 1972**
 - Section 303 - Declaration of Policy
 - Section 307 - Coordination and Cooperation
- 40. Marine Mammal Protection Act
- 41. Endangered Species Act of 1973**
 - Section 7 - Interagency Cooperation
- 42. Coastal Barrier Resource Act of 1982

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 43. Fish and Wildlife Coordination Acts of 1934,
1956, and 1958**
- 44. Fish and Wildlife Conservation Act of 1980
- 45. Wild and Scenic Rivers Act
- 46. Soil and Water Resources Conservation Act of 1977
- 47. Water Resources Research Act of 1984
- 48. Toxic Substances Control Act**
- 49. Antiquities Act of 1906
- 50. American Indian Religious Freedom Act of 1978
- 51. Archeological Resources Act of 1979

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 52. Historic Sites Act of 1935
- 53. National Historic Preservation Acts of 1966 and 1980**
- 54. Abandoned Shipwreck Act of 1987 (PL 100-298)
- 55. American Folklife Preservation Act, PL 94-201
- 56. Farmlands Protection Policy Act of 1981
- 57. Federal Insecticide, Fungicide and Rodenticide Act as amended by the Fed. Environmental Pesticide Control Act, 7 U.S.C.
- 58. Federal Land Policy and Management Act of 1976, 40 U.S.C.
- 59. Federal Water Project Recreation Act, PL 89-72, 16 U.S.C.

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 60. Land and Water Conservation Fund Act of 1965, PL 88-578, 16 U.S.C.
- 61. Marine Mammal Protection Act of 1972, PL 92-522, 16 U.S.C.
- 62. Migratory Bird Conservation Act of 1928, 16 U.S.C.
- 63. Migratory Bird Treaty Act of 1918, 18 U.S.C.
- 64. Native American Graves Protection and Repatriation Act of 1990, PL 101-601
- 65. Native American Religious Freedom Act, PL 95-341, 42 U.S.C.
- 66. Noise Control Act, 42 U.S.C.
- 67. Safe Drinking Water Act, 42 U.S.C.

(Continued)

Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 68. Submerged Lands Act of 1953, PL 82-3167, 43 U.S.C.**
- 69. Surface Mining Control and Reclamation Act of 1977, PL 95-89, 30 U.S.C.
- 70. Executive Order 11593, Protection and Enhancement of the Cultural Environment
- 71. Executive Order 12580, Superfund Implementation
- 72. Magnuson-Stevens Act 16 U.S.C. 1801 et seq. as reauthorized by the Sustainable Fisheries Act of 1996.**

(Concluded)

Federal Standard

The disposal alternative or alternatives identified by the Corps which represents the least costly alternative consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.

Regulatory Authorities

- U.S. National Marine Fisheries Service
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- State Fish and Game Agencies
- State Water Quality Certifying Agencies
- State Coastal Zone Management Agencies
- Other Federal and State Agencies