



# DREDGED MATERIAL MANAGEMENT OFFICE

# GUIDANCE FOR REQUESTS FOR TIER I DECISIONS

November 1, 2000

**U.S. Environmental Protection  
Agency, Region IX**  
75 Hawthorne Street  
San Francisco, CA 94105-3919

**San Francisco Bay Conservation  
and Development Commission**  
50 California Street, Suite 2600  
San Francisco, CA 94111-4704

**U.S. Army Corps of Engineers  
San Francisco District**  
333 Market Street  
San Francisco, CA 94105-2197

**San Francisco Bay Regional  
Water Quality Control Board**  
1515 Clay Street, Suite 1400  
Oakland, CA 94612-1413

**California  
State Lands Commission**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95835-8202

## **Introduction**

A “Tier I” decision by the Dredged Material Management Office (DMMO)<sup>1</sup> is a recommendation on the suitability of sediment for unconfined aquatic disposal. This recommendation is based on review and analysis of existing data, although confirmatory physical and chemical analyses may be required to verify that site conditions have not changed. The type and quantity of information that applicants need to supply for a Tier I decision is based on the history of the site, the size of the site and the complexity of the proposed project.

If the information provided for the Tier I decision results in a determination by the agencies that further testing is needed, this information will be used to supplement subsequent analyses. The information may be particularly useful in the identification of contaminants of concern during the preparation of the sampling and analysis plan (SAP). The DMMO strongly recommends that project proponents submit data on past testing results and other pertinent information early in the consultation process. Providing this information can reduce the chance of having to redo testing and will help to expedite projects<sup>2</sup>.

## **Exclusion from Testing**

Dredged material may be excluded from further testing if it is determined to meet one of the following criteria (40 CFR 230.60 and 40 CFR 227.13(b))<sup>3</sup>:

- The dredged material is composed predominantly of sand, gravel, rock, or any other naturally occurring bottom material with particle sizes larger than silt, and the material is found in areas of high current or wave energy; or
- The dredged material is for beach nourishment or restoration and is composed predominantly of sand, gravel, or shell with particle sizes compatible with material on the receiving beaches; or
- When:
  - (i) The material proposed for dumping is substantially the same as the substrate at the proposed disposal site; and
  - (ii) The proposed dredging site is far removed from known existing and historical sources of pollution so as to provide reasonable assurance that such material has not been contaminated by such pollution.

The DMMO makes Tier I decisions based on whether results of previous testing provide adequate assurance that contaminants of concern do not exist in the proposed dredged material in concentrations of concern. Therefore, requests for Tier I decisions generally cannot be honored in cases where

---

<sup>1</sup> The DMMO is composed of the U.S. Army Corps of Engineers, San Francisco District, the U.S. Environmental Protection Agency, Region IX, the San Francisco Bay Regional Water Quality Control Board, the San Francisco Bay Conservation and Development Commission, and the California State Lands Commission.

<sup>2</sup> It is important to emphasize here that project proponents are responsible for providing all available and pertinent information to contractors or consultants preparing SAPs and requests for Tier I decisions. Incomplete requests, missing past history or land use information, are likely to be rejected by the DMMO.

<sup>3</sup> Note that, although these two regulations differ slightly in their definition of what constitutes the exclusion criteria, the following language is consistent with both regulations.

sediment has exhibited significant toxicity, bioaccumulation or chemistry values indicative of potentially adverse environmental effects. Project proponents should supply the following information in a request for a Tier I decision:

- An extended history (generally the past three episodes) of regulatory decisions, presumably showing that the material has been routinely determined to be suitable for unconfined aquatic disposal (SUAD);
- Recent (generally the past three episodes) bioassay data from the project area;
- Recent (generally the past three episodes) physical and chemical data from the project area; or
- Recent chemical, physical, or biological testing data from areas adjacent to the proposed project site that indicate that the proposed dredged material is likely to be free from contamination and toxicity and is therefore SUAD.

### **Tier I Data Requirements – Unconfined Aquatic Disposal**

A complete request for a Tier I decision must include the following information in order for the DMMO agencies to consider the request:

- 1) A **regional map** that clearly shows the project area in relation to other land and aquatic uses. Poor copies and illegible copies are not acceptable<sup>4</sup>. Point out nearby land use, aquatic use, development, and other pertinent information.
- 2) A **site-specific project map** that indicates the areal extent of the proposed dredging project. This map should also show the locations of pertinent uses, such as fuel docks, storm drains, ship repair facilities, and other activities with the potential to affect the quality of the dredged material. At least one map should include the most recent available bathymetric information. Clearly indicate the approximate boundaries of the project area. If the project involves more than a single proposed depth, the limits of the different proposed depths should be clearly indicated on the project map.
- 3) A **site history narrative**, including all information pertinent to the request for a Tier I decision. This information should seek to identify any potential sources of contamination and pathways of contaminant transport (e.g., storm drains, agricultural runoff, industrial and municipal discharges).
- 4) A **history of dredging** at or near the site, including dates, areas, volumes and depths previously dredged.
- 5) A **table or description of the proposed dredging depths**, permitted depths, and overredge depth all expressed relative to Mean Lower Low Water (MLLW), and the associated volumes to be dredged.
- 6) A **summary table of the past physical and chemical tests** (usually three recent rounds). This table would include the date sampled, the results of each individual chemical measurement, detection limits, units, and any information on the precision and accuracy of the values. An acceptable option would be to include properly identified tables from the past test results.

---

<sup>4</sup> We recommend that applicants reproduce the appropriate U.S. Geological Survey Quad map for this purpose.

- 7) A **table of the past bioassay results** (usually three sets). This table should include the date sampled, species tested, mean control survival, mean reference survival and mean survival values in the dredged material.
- 8) **Maps showing all past sampling stations** for which results are included, with the currently proposed dredging area superimposed.
- 9) A **narrative description of past suitability determinations** (usually three) for the project area. Please provide specific information in the case of ambiguous data, negative decisions or conditioned decisions. Note any unusual circumstances (e.g., poor control or reference sediment survival) in previous test results.
- 10) A **description of any events** that have occurred since the last sampling or dredging event that might influence sediment chemistry or bioassay results (e.g., oil or fuel spills). Provide any pertinent data and correspondence (or state that there were none).
- 11) **Provide a Sampling and Analysis Plan if confirmatory chemistry is proposed** for the project (refer to Public Notice 99-4 for guidance on preparing a SAP).

### **Confirmatory Testing**

The DMMO may require confirmatory physical or chemical tests before finalizing a Tier I decision. The intent of these tests is to evaluate whether conditions in the dredging area have changed substantially since the last full testing episode. For instance, the DMMO may require confirmatory testing if information exists suggesting that events such as oil or fuel spills have occurred which may have impacted the proposed dredging area. In addition, the DMMO may require confirmatory testing in cases when the existing data are marginal (e.g., results were equivocal or borderline), or when the data are relatively old or incomplete.

If confirmatory test results show that unacceptable potential impacts may result from disposal of the material proposed to be dredged, full Inland Testing Manual (ITM) or Ocean Testing Manual (OTM or Green Book) testing, may be required by the DMMO agencies. The permittee is responsible for notifying the DMMO, or the member agencies, of any changes in the proposed dredging site that may occur between the time that a Tier I decision is made and dredging commences. Failure to do so may result in enforcement actions by one or more of the DMMO agencies.