

# Central and Western Long Island Sound Dredged Material Disposal Sites Rulemaking

## Public Hearing on Proposed Amendments

U.S. EPA Regions 1 and 2  
March 1, 2016



# EPA-USACE Share Responsibility

- Marine Protection, Research, and Sanctuaries Act (MPRSA, aka Ocean Dumping Act)
  - Section 102: EPA Designates Sites
  - Section 103: USACE Selects Sites subject to EPA concurrence
- Dredged material disposal at these sites must meet criteria in Ocean Dumping Regulations (40 CFR Parts 220-229)
- Clean Water Act (CWA)
  - Section 404: USACE issues permits subject to EPA concurrence
  - Section 404(c): EPA has veto authority



# MPRSA or Ocean Dumping Act

- Dredged material should not be disposed unless it can be demonstrated that such disposal will not unreasonably degrade or endanger:
  - human health, welfare, or amenities; or
  - the marine environment, ecological systems, or economic potentialities.
- EPA established criteria that consider the:
  - need for disposal;
  - effect of disposal on human and ecological health, and other uses of the ocean; and
  - alternatives to ocean disposal.



# Long Island Sound Dredged Material Disposal Sites

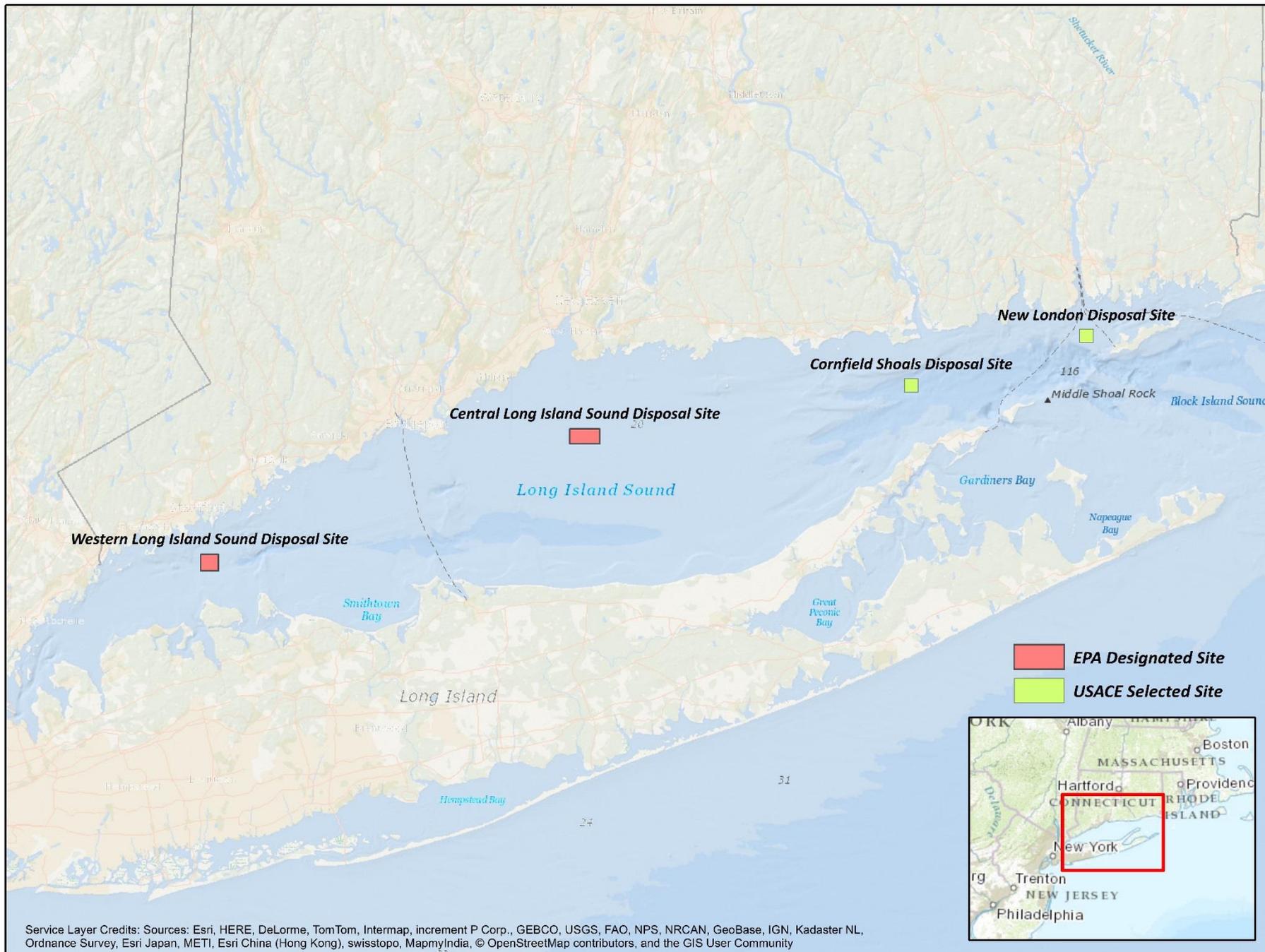
Designated by EPA in July 2005:

- Western Long Island Sound
- Central Long Island Sound

Selected by USACE in 1990s, scheduled  
to close December 2016:

- Cornfield Shoals
- New London





# EPA's Role in Dredging

- Designate ocean dredged material disposal sites for long-term use (following EPA's voluntary NEPA policy to prepare an EIS).
- Promulgate regulations and criteria for disposal site selection and permitting discharges.
- Review USACE dredging projects and permits.
- Develop site monitoring/management plans (SMMP).
- Monitor disposal sites jointly with USACE.



# Long Island Sound Environmental Impact Statement

- 1998 – EPA and USACE agree to co-lead site designation process under MPRSA and NEPA:
  - USACE provides funding
  - EPA provides technical assistance
- June 1999 – EPA and USACE initiate EIS to evaluate and potentially designate dredged material disposal sites for entire LIS region.
- 1999-2001 Scoping and field work to collect data for entire LIS region.

# Long Island Sound Environmental Impact Statement

- March 2002 – EPA and USACE decide to focus EIS effort initially on central and western LIS regions, with plan to address eastern LIS upon completion of that effort.
- September 2003 – EPA issues draft EIS for public comments and holds public hearings.
- April 2004 – EPA and USACE complete EIS recommending designation of CLDS and WLDS disposal sites, initiates final rulemaking.



# Long Island Sound Environmental Impact Statement

- June 2004 – NYS DOS objects to proposed federal action as inconsistent with CZM Program.
- September 2004-May 2005 – EPA, USACE, NOAA, NY and CT negotiate conditions to site designation rule so NY can withdraw its objection.



# Long Island Sound Environmental Impact Statement

- June 2005 – EPA publishes final rulemaking to designate CLDS and WLDS with conditions which, if not met, will result in sites closing, including:
  - Completion by USACE of a regional dredged material management plan (DMMP) for Long Island Sound.
  - Formation of a Long Island Sound Regional Dredging Team to review alternative analyses for federal and large private dredging projects.
  - Annual report by EPA on progress toward completion of the DMMP.



# Dredged Material Disposal Summary 2006-2014

	NLDS	CSDS	CLDS	WLDS	Totals
2006	0	0	208,410	15,550	223,960
2007	369,635	9,470	64,970	3,600	447,675
2008	0	11,300	24,575	24,135	60,010
2009	0	197,035	559,760	6,950	763,745
2010	0	7,000	277,474	11,950	296,424
2011	0	41,460	84,940	28,910	155,310
2012	0	31,500	84,500	27,008	143,008
2013	19,100	72,600	122,600	41,400	255,700
2014	0	21,950	1,219,344	35,000	1,276,294
Avg. (1982 - 2004)	133,459	56,348	348,682	81,344	619,833
Avg. (2006 - 2014)	43,193	43,591	294,064	21,611	402,458
Difference	<b>-90,266</b>	<b>-12,757</b>	<b>-54,618</b>	<b>-59,733</b>	<b>-217,375</b>
% Reduction in Use	68%	23%	16%	73%	35%



(Transition to Corps  
presentations)

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# Dredged Material Disposal Sites

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# Central and Western LIS Dredged Material Disposal Sites

On June 5, 2005, EPA published the final rule to designate CLDS and WLDS with conditions intended to reduce or eliminate open-water disposal :

- Required completion of a regional dredged material management plan (DMMP) for Long Island Sound.
- Established a Long Island Sound Regional Dredging Team to review alternatives analyses for federal and large private dredging projects during DMMP preparation.
- EPA is to propose and finalize, within 120 days of DMMP completion, amendments to the 2005 rule describing procedures and standards that must be complied with.



# Central and Western LIS Dredged Material Disposal Sites

- On February 10, 2016, EPA published amendments to the 2005 rule for the CLDS and WLDS in the Federal Register.
- EPA is seeking public comment provided in person at the two public hearings or in writing through March 25, 2016.

# Central and Western LIS Dredged Material Disposal Sites

The amendments to the rule are intended to support the goal of reducing or eliminating open-water disposal by establishing “standards and procedures” that:

- encourage the identification, development, and use of practicable alternatives to open-water disposal, and
- require large dredging project proponents to thoroughly evaluate such alternatives.



# Standards and Procedures for Using the Central and Western LIS Sites

## Standards:

- Unsuitable material shall not be disposed at the sites.
- Sandy material should be used beneficially wherever practicable.
- For fine grained material, proponents must thoroughly evaluate – and use if available – practicable alternatives before open-water disposal will be considered.



# Standards and Procedures for Using the Central and Western LIS Sites

## Standards (continued):

- Federal, state, and local government will continue to exercise existing authorities to reduce the flow of sediments and contaminants into waterways.
- Retains current restriction requiring that practicable alternatives must be used if available. Recognizes that additional cost burden may exist.



# Standards and Procedures for Using the Central and Western LIS Sites

## Procedures:

Establishes an interagency Long Island Sound Regional Dredging Team (LIS RDT) that will:

- Ensure all large dredging projects conduct a thorough alternatives analysis and encourage the use of practicable alternatives .
- Proactively develop and promote alternatives.
- Assist EPA and USACE with long-term tracking of dredged material placement and disposal site monitoring.



# Standards and Procedures for Using the Central and Western LIS Sites

## Procedures (continued):

### The Long Island Sound Regional Dredging Team:

- Geographic scope includes all of Long Island Sound.
- Membership includes representatives from federal and state government agencies with expertise in dredging and dredged material management.
- Structure and process determined by LIS RDT.
- Encourages cooperative working relationships with other Long Island Sound-based organizations.



# Other Rule Amendments

Prior restriction retained:

- Parties may petition EPA if they are not satisfied that the amended rule adopts procedures and standards recommended in the DMMP.

Prior restrictions eliminated:

- Those requiring the completion of the LIS DMMP. The LIS DMMP and PEIS were completed on January 11, 2016.



# Next Steps

EPA is seeking public comment:

- Provided in person at the public hearings, or
- In writing, submitted to [CLDS@epa.gov](mailto:CLDS@epa.gov) or [Perkins.Stephen@epa.gov](mailto:Perkins.Stephen@epa.gov).
- Comments must be received by March 25, 2016.
- EPA is required by the 2005 rule (regulation) to publish its final rule amendments by May 10, 2016.

