



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

August 13, 2015

John C. Morrow
Lieutenant Colonel, US Army
District Engineer,
San Francisco District Corps of Engineers
1455 Market Street
San Francisco, CA 94103

Subject: EPA Conditional Concurrence for Ocean Disposal of Dredged Material from the USACE
2015 Richmond Inner Harbor Federal Channel Maintenance Dredging Project

Dear LTC Morrow:

This letter transmits EPA's conditional concurrence for ocean disposal of sediments proposed to be dredged from the 2015 Richmond Inner Harbor Federal Channel maintenance dredging project. USACE proposes to dredge up to approximately 270,000 cubic yards (cy) of accumulated sediment from the Richmond Inner Harbor channels. Our concurrence and attached standard and project-specific conditions are provided pursuant to our authorities under the Marine Protection, Research, and Sanctuaries Act and the ocean dumping regulations published at 40 CFR Parts 220-227.

The interagency Dredged Material Management Office (DMMO), including EPA, previously determined that all of the material to be removed from the Richmond Inner Harbor Federal channel in 2015 is suitable for both ocean disposal and for beneficial reuse at sites such as Montezuma Wetlands Restoration Project or Cullinan Ranch (see DMMO memo dated June 18, 2015). Depending on the outcome of the bidding for this project, the dredged material would be placed at either the EPA-designated San Francisco Deep Ocean Disposal Site (SF-DODS) or at "at a fully permitted beneficial use upland site of the Contractor's choosing." Even if the successful bid is for ocean disposal, the solicitation specifies that no ocean disposal would occur after November 30, 2015.

EPA hereby concurs in ocean disposal of the 2015 Richmond Inner Harbor Federal Channel dredged material at SF-DODS in the event that beneficial reuse (prior to November 30, 2015) is not the awarded bid option, and subject to full incorporation of the attached standard and project-specific ocean disposal conditions in the contract(s) and other applicable authorizations for the project.

If you have any questions or concerns about the attached conditions, please do not hesitate to contact me directly, or your staff may wish to contact Brian Ross (415-972-3475, ross.brian@epa.gov).

Sincerely,



Jason Brush
Supervisor,
Wetlands Section

Attachment: EPA Conditions for Use of the San Francisco Deep Ocean Disposal Site (SF-DODS)
For 2015 Maintenance Dredging of the Richmond Inner Harbor Federal Channel

Ec Bruce Wolfe, San Francisco Water Board
Larry Goldzband, San Francisco Bay Conservation and Development Commission
Maria Brown, Gulf of the Farallones National Marine Sanctuary
Gary Stem, National Marine Fisheries Service
Ryan Olah, US Fish and Wildlife Service
Becky Ota, California Department of Fish and Wildlife
Mark Delaplaine, California Coastal Commission



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**EPA Conditions for Use of the
San Francisco Deep Ocean Disposal Site (SF-DODS)
For 2015 Maintenance Dredging of the Richmond Inner Harbor Federal Channel**

The following mandatory conditions for disposal operations at SF-DODS are provided pursuant to EPA's authority under sections 102 and 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA), and the ocean dumping regulations at 40 CFR Parts 220-228. For enhanced clarity and understanding, this document enhances, combines, and re-numbers many of the special conditions originally published in EPA's 1999 rule [64 FR 141 pages 39927-39934, and 40 CFR 228.15 (1)(3)].

The standard conditions listed below apply to all projects and users of SF-DODS, unless approval for a modified or alternative permit condition is sought and granted in advance pursuant to section (D) below. *In addition, EPA has determined that project-specific conditions are required for the 2015 maintenance dredging of the Richmond Inner Harbor Federal Channel.* These project-specific conditions are provided in section C below.

A. Definitions:

1. **"Permit"** and **"permittee"** as used here mean USACE ocean dumping permits issued to others under Section 103 of the MPRSA, and to USACE itself and its contracts or other authorizations for USACE dredging projects (see MPRSA section 103(e) and 40 CFR Part 220.2).
2. **"Towing vessel"** is any self-propelled tug or other marine vessel used to transport (tow or push) the "disposal vessel" (see #3 following) for any portion of the transit to G-DODS.
3. **"Disposal vessel"** is any barge, scow, or self-propelled vessel (such as a hopper dredge) that carries dredged material during transit and from which the dredged material is discharged, typically by opening doors in the bottom of the hull or by splitting the hull.
4. **"Transit"** or **"transport"** to the disposal site begins as soon as dredged material loading into the disposal vessel is completed and a towing vessel begins moving the disposal vessel to the disposal site.
5. **"Surface Disposal Zone" or "SDZ"** is the 600 m radius circle at the center of the overall disposal site (latitude 37°39'N and longitude 123°29'W; NAD 83), within which the disposal vessel must discharge all of the dredged material.

B. Standard Conditions for use of the San Francisco Deep Ocean Disposal Site (SF-DODS):

1. ***Prohibition on Leaking or Spilling During Transport:*** Dredged material shall not be leaked or spilled from disposal vessels during transit to the SF-DODS. Transportation of dredged material to the SF-DODS shall only be allowed when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak or other loss of dredged material during transit. Disposal vessels must not be loaded beyond a level at which dredged material would be expected to be spilled in transit under anticipated sea state conditions, and in no case may disposal vessels be filled to more than 80 percent of the vessel's maximum bin or hopper volume. No disposal vessel trips shall be initiated when the National Weather Service has issued a gale warning for local waters during the time period necessary to complete dumping operations, or when wave heights are 16 feet or greater.
2. ***Prohibition on Trash and Debris; use of Grizzly:*** Only dredged material determined in advance by EPA and USACE to be suitable for ocean disposal may be discharged at SF-DODS. Uncharacterized dredged material, vessels, trash, and other debris are prohibited from being discharged at the site. In order to exclude large trash and debris (including rocks) from being disposed at the site, before transport to SF-DODS all dredged material must be placed into scows through a steel mesh or chain "grizzly" with openings of no more than 12 inches by 12 inches. Material retained on the grizzly must be removed and disposed of separately. EPA and USACE may on a case-by-case basis waive the requirement to use a grizzly if they determine that trash and debris is unlikely to be present in the area to be dredged.
3. ***Independent Inspector, and Scow Certification Checklist:*** Before any disposal vessel departs for the SF-DODS, an independent quality control inspector ("*independent*" means not a direct employee of the permittee or dredging contractor) must certify in writing that the vessel is not over-loaded, and otherwise meets the conditions and requirements of a Scow Certification Checklist that contains all of the substantive elements found in the example contained in the most current SMMP Implementation Manual. EPA and USACE must approve the proposed Scow Certification Checklist prior to the commencement of ocean disposal operations. No ocean disposal trip may be initiated until both the towing vessel captain and the independent inspector have signed all relevant entries on the Scow Certification Checklist. The inspector shall provide a summary of any discrepancies or inaccuracies on the Checklist in the permittee's report to EPA and USACE for the relevant month (see condition 10, below).
4. ***Farallon Islands Exclusion Zone:*** Disposal vessels in transit to and from the SF-DODS must remain at least three nautical miles from the Farallon Islands whenever possible. Closer approaches should occur only where the designated vessel traffic lane encroaches within 3 miles of the islands. In no case should disposal vessels leave the designated vessel traffic lane while within 3 miles of the islands, or transit north of a line extending westward from the termination of the designated vessel traffic lane while within 3 miles of the islands.
5. ***Surface Disposal Zone (SDZ):*** When dredged material is discharged within the SF-DODS, no portion of the vessel from which the materials are released (e.g. hopper dredge or towed barge) may be further than 1,960 feet (600 meters) from the center of the disposal site at latitude 37°39'N; longitude 123°29'W. No more than one disposal vessel may be present within the SF-DODS SDZ at any time.

6. ***Disposal Vessel Instrumentation and Tracking:*** The primary tracking system for recording ocean disposal operations shall be disposal vessel- (e.g., scow- or hopper dredge-) based. Each disposal vessel shall have a primary navigation/tracking system functioning for each disposal trip, calibrated for accuracy at a minimum at the beginning of each ocean disposal project, that automatically and continually indicates and records the following information throughout transportation to, disposal at, and return from SF-DODS:
- a. position of the disposal vessel, to a minimum accuracy of 3 m (10 ft);
 - b. speed and heading of the disposal vessel;
 - c. fore and aft draft of the disposal vessel (sensors as near vessel centerline as possible);
 - d. fore and aft bin height (top of dredged material load in the bin or hopper) (sensors as near vessel centerline as possible);
 - e. time and location of each disposal event (e.g., the discharge phase).

This system must record these data at a maximum 1-minute interval while outside the SF-DODS disposal site boundary, and at a maximum 15-second interval while inside the SF-DODS disposal site boundary and the SDZ. The primary system must also include a real-time display, located in the wheelhouse or otherwise visible to the helmsman, showing the position of the disposal vessel relative to the boundaries of SF-DODS and its SDZ, superimposed on the appropriate NOS chart so that the operator can confirm proper position of the disposal vessel within the SDZ before discharging the dredged material.

7. ***Posting Disposal Vessel Tracking Data on the Internet:*** Within 24 hours of the completion of each disposal trip, data recorded from the primary disposal tracking system must be posted by a third party contractor to a World Wide Web (Internet) site accessible by EPA Region 9, the San Francisco District USACE, and NOAA's Gulf of the Farallones National Marine Sanctuary. The Web site must be searchable by disposal trip number and date, and at a minimum for each disposal trip it must provide a visual display of: the disposal vessel transit route to SF-DODS; the beginning and ending locations of the disposal event; and the disposal vessel draft and load level in the bin throughout the transit. The requirement for posting this information on the Web is independent from the hard-copy reporting requirements listed in Special Conditions 10 and 12, below.
8. ***E-Mail Alerts:*** The third-party system must also generate and distribute "e-mail alerts" regarding any degree of apparent dumping outside the Surface Disposal Zone of SF-DODS ("mis-dumping"), and regarding any apparent substantial leakage/spillage or other loss of material en route to SF-DODS. Substantial leakage/spillage or other loss shall be defined as an apparent loss of draft of one foot or more between the time that the disposal vessel begins the trip to SF-DODS and the time of actual disposal. E-mail alerts for any disposal trip must be sent within 24 hours of the end of that trip to EPA Region 9, the San Francisco District USACE, the relevant National Marine Sanctuary if the event triggering the alert occurred in whole or in part within a Sanctuary boundary, and to other addressees as may be indicated by EPA or USACE on a project-specific basis.
9. ***Back-up Navigation System:*** A functioning back-up navigation system, meeting the minimum accuracy requirement listed above, must also be in place on the towing vessel (tug, if any). If the primary (disposal vessel's) navigation tracking system fails during transit, the disposal trip may continue only so long as the back-up (towing vessel's) navigation and tracking system remains operational, by placing the towing vessel in such a location that,

given the compass heading and tow cable length to the scow (“lay back”), the estimated scow position would be within the Surface Disposal Zone [i.e., within 1,960 feet (600 meters) of the center of the disposal site]. In such cases the towing vessel’s position, and the tow cable length and compass heading to the disposal vessel at the time of discharge, must be recorded and reported. Further disposal operations using a disposal vessel whose navigation tracking system fails must cease until the primary disposal tracking system’s capabilities are restored.

10. ***Record-Keeping, and Monthly Reporting:*** In addition to the requirement in Special Condition 7, above, for posting data on the Web, the permittee shall maintain daily records (including using the approved Scow Certification Checklist) of: the amount of material dredged and loaded into barges for disposal; the location from which the material in each barge was dredged; the weather report for and sea-state conditions anticipated during the transit period; the time that each disposal vessel departs for, arrives at and returns from the SF-DODS; the exact location and time of each disposal; and the volume of material disposed at the SF-DODS during each disposal trip. The permittee shall also maintain, for each ocean disposal trip, both electronic data and printouts from the GPS-based primary disposal tracking system (or the backup navigation tracking system when appropriate) showing transit routes, disposal vessel draft readings, disposal coordinates, and the time and position of the disposal vessel when dumping was commenced and completed. These daily records shall be compiled at a minimum for each month during which ocean disposal operations occur, and provided in reports, certified accurate by the independent quality control inspector, to both EPA and USACE. For each ocean disposal trip, these reports shall include the electronic tracking and disposal vessel draft data on CD-ROM (or other media approved by EPA and USACE), as well as hard copy reproductions of the Scow Certification Checklists and printouts listed above. The monthly reports shall include a cover letter describing any problems complying with the Ocean Disposal Special Conditions, the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.
11. ***24-Hour Notification Requirement for Potential Leaks or Mis-Dumps:*** The permittee shall report any anticipated, potential, or actual variances from compliance with these Ocean Disposal Special Conditions, and any additional project-specific Special Conditions, to the District Engineer and the Regional Administrator within 24 hours of discovering such a situation. If any of these compliance problems occur within the boundaries of a National Marine Sanctuary, the permittee must also report any such situation to the relevant Sanctuary office within 24 hours. A message from an operational “e-mail alert” system, as described in Special Condition 8 above, will be considered as fulfilling this 24-hour notification requirement. In addition, the permittee shall prepare and submit a detailed report of any such compliance problems on a weekly basis by noon Monday, to the District Engineer and the Regional Administrator. These reports shall describe the cause(s) of the problems, any steps taken to rectify the problems, and whether the problems occurred on subsequent disposal trips.
12. ***Project Completion Report:*** Within 60 days following the completion of ocean disposal operations, the permittee shall submit to the District Engineer and Regional Administrator a completion letter summarizing the total number of disposal trips and the overall volume (bin as well as *in-situ*) of material disposed at SF-DODS for the project, and whether any of this dredged material was excavated from outside the areas authorized for ocean disposal or was dredged deeper than authorized by the permit.

C. Additional Project-Specific Special Conditions:

EPA has determined that, for the 2015 Richmond Inner Harbor Federal Channel maintenance dredging project, the following additional project-specific conditions are necessary to prevent potential harm to the environment and to comply with the ocean disposal criteria at 40 CFR Part 227 (specifically applicable parts of sub-part B and all of sub-parts C, D, E, and G):

13. ***Restriction on disposal timing:*** All ocean disposal operations, including transport to and discharge at SF-DODS, must cease by midnight of November 30, 2015. No ocean disposal operations are authorized beginning December 1, 2015.
14. ***Pre-construction conference with USACE and its dredging contractor(s):*** Prior to the commencement of any ocean disposal operations on this project, USACE must arrange for an in-person pre-construction conference with EPA, to be attended by the USACE project manager, USACE construction office representative(s), USACE inspector(s), a representative of the prime dredging contractor(s); and a representative of any sub-contractor(s) that will participate in any ocean disposal operations (including dredging, transport to, and disposal at SF-DODS). The purpose of the pre-construction conference is to ensure that all appropriate USACE and contractor personnel fully understand the EPA ocean disposal conditions for the project, including record keeping and reporting requirements. Ocean disposal operations may not commence until this pre-construction conference has occurred.

D. Consideration of Alternative Permit Conditions:

Project-specific alternatives or modifications to the Standard and/or Project-Specific permit conditions specified above may be authorized in advance by EPA and USACE at their discretion, at the request of the permittee. In such cases the permittee must demonstrate to the satisfaction of EPA and USACE:

- that the alternative conditions are sufficient to accomplish the specific intended purpose of the original permit condition;
- that they will not increase the risk of harm to the environment or the health or safety of persons; and
- that they will not impede monitoring of compliance with the MPRSA, regulations promulgated under the MPRSA, or the permit or authorization issued under the MPRSA.

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