RULES and REGULATIONS

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3700-5]

Ocean Dumping; Designation of Site

Thursday, January 11, 1990

Agency: Environmental Protection Agency.

Action: Final rule.

SUMMARY: EPA today designates eight dredged material disposal sites located offshore of New Jersey and Long Island, New York for the disposal of dredged material removed from Rockaway Inlet, East Rockaway Inlet, Jones Inlet, and Fire Island Inlet, in New York and Shark River Inlet, Manasquan Inlet, Absecon Inlet, and Cold Spring Inlet in New Jersey. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material. This final site designation is for an indefinite period of time, but the site is subject to continued monitoring in order to ensure that unacceptable adverse environmental impacts do not occur.

DATE: This designation shall become effective February 12, 1990.

ADDRESSES: The file supporting this designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (Rear), 401 M Street Southwest, Washington, DC 20460

EPA Region II Library, Room 402, 26 Federal Plaza, New York, New York 10278

New York District Corps of Engineers, Regulatory Branch, 26 Federal Plaza, New York, New York 10278

Philadelphia District Corps of Engineers, Regulatory Branch, Custom House, 2nd and Chestnut Streets, Philadelphia, PA 19106-2991

FOR FURTHER INFORMATION CONTACT: Mario P. Del Vicario, (212) 264-5170.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et. seq. (“The Act”), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On October 1, 1986 the Administrator delegated the authority to designate ocean dumping sites to the

Regional Administrator of the Region in which the site is located. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter I, subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in part 228. This site designation is being published as final rulemaking in accordance with § 228.4(e) of the Ocean Dumping Regulations, which permits the designation of ocean disposal sites for dredged material.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et. seq., ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for major Federal actions significantly affecting the quality of the human environment. The objective of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this. (39 FR 16186 (May 7, 1974))

EPA has prepared a final EIS entitled "Final Environmental Impact Statement for the Designation of Ocean Dredged Material Disposal Sites for Long Island, New York and New Jersey". A notice of availability of the EIS for public review and comment was published in the Federal Register (54 FR 40177 (September 29, 1989)). The public comment period for this EIS closed on November 13, 1989. No comments were received during the comment period. Coordination and certification of this designation action with regard to the Coastal Zone Management Act is discussed in the following section. Coordination with the U.S. National Marine Fisheries Service and U.S. Fish and Wildlife has led to the finding by these agencies that no adverse impacts to threatened and endangered species, in accordance with the Endangered Species Act, would result from the designations. As a result of historical and archeological surveys carried out for the areas, it was determined that the designations would not have an effect on resources on or eligible for nomination to the National Register of Historic Places under the National Historic Preservation Act.

The action discussed in the EIS is designation for continuing use of eight ocean disposal sites for dredged material located in the Atlantic Ocean, offshore of New Jersey and Long Island, New York. The purpose of the designation is to provide environmentally acceptable locations for ocean disposal. The appropriateness of ocean disposal is determined by the Federal review agencies on a case-by-case basis during the permit review process for ocean disposal projects.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. Non-ocean disposal alternatives are not evaluated or presented in this EIS since the designation of an environmentally acceptable ocean disposal site is independent of individual project disposal requirements. Non-ocean disposal alternatives must be considered during the permitting process for non-Federal projects and during the EIS period for Federal projects. The need for and environmental acceptance of ocean disposal must be demonstrated on a case-by-case basis in order to receive an ocean disposal permit.

As part of the permitting process, land-based disposal alternatives must be evaluated by both the EPA Regional Office and the CE District, as specified in the Ocean Dumping Regulations (40 CFR part 227) In addition, the CE, in conjunction with the EPA Regional Office, must evaluate the environmental effects associated with the alternative disposal methods (ocean or land-based) for every project.

Other ocean disposal alternatives investigated include deep water sites, mid-shelf sites, and nearshore sites other than the proposed sites. Designation of a deep water site for the inlets dredged material would require extensive pre-disposal and monitoring surveys, as well as substantially increased disposal costs. The predominantly sandy content of typical dredged material from the inlet sites did not warrant further consideration of deep water sites from a sediment compatibility basis. Also, the containment capability of dredged material has not been demonstrated for deep water sites. Other shelf sites were eliminated because of potential conflicts with site use, environmental acceptability, and high transportation costs. There were no clear advantages found in designating alternative nearshore disposal sites. Previous disposal of dredged material at the existing sites has not caused significant adverse environmental impacts.

The EIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation and is based on a disposal site environmental study. The environmental study and final designation process are being conducted in accordance with the requirements of the Act, the Ocean Dumping ***1025** Regulations, and other applicable Federal environmental legislation.

This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

C. Site Designation

On June 1, 1988, EPA proposed designation of this site for the continuing use of dredged materials from Rockaway Inlet, East Rockaway Inlet, Jones Inlet, and Fire Island Inlet, in New York and Shark River Inlet, Manasquan Inlet, Absecon Inlet, and Cold Spring Inlet in New Jersey. The public comment period on this proposed action closed on July 15, 1988.

The primary commenters on the proposed rule were the New Jersey Department of Environmental Protection (NJDEP), the New York State Department of Environmental Conservation (NYDEC), the U.S. Department of the Interior (DOI), the Committee on Merchant Marine and Fisheries of the U.S. House of Representatives, Coastal States Organization, and the Oceanic Society. The Department of the Interior was concerned that the disposal activities may have an adverse effect on water quality at the Rockaway site, but acknowledged that there have been no reports of water quality problems from previous disposal activities, and that the material to be disposed would be primarily clean sand. Also, while acknowledging that EPA carries out monitoring of disposal sites to ensure that unacceptable levels of toxic constitutents are not transported away from the site, DOI expressed concern that possible contamination of discharged dredged material may affect the nearby Gateway National Recreation Area. Material which will “significantly degrade the waters of the United States” will not be permitted to be ocean disposed at any site. EPA, in conjunction with the U.S. Army Corps of Engineers (CE), will monitor ambient water quality trends at the site and in adjacent areas to ensure that unacceptable levels of toxic constituents are not transported outside of the site. Should monitoring surveys indicate that transport outside of the site is occurring, appropriate measures to modify or withdraw site designation are available to the Agency.

DOI also commented that the National Park Service plans to consider the feasibility of using some dredged material that may be destined for the Rockaway site to redress beach erosion problems at Gateway National Recreation Area. Beach nourishment is the EPA's preferred method of disposal, and it is recommended wherever needed, economically feasible, and the dredged material is suitable. Use of the dredged material for beach nourishment at any site is not precluded by the designation of an ocean disposal site. The feasibility of beach nour-

ishment must be examined for all dredging projects and is examined on a case-by-case basis during the permitting process. At that time, a grain size analysis is performed and the quality of the dredged material is analyzed to ensure the suitability of the material proposed for disposal as beach nourishment.

The NJDEP, NYDEC, the Committee on Merchant Marine and Fisheries, Coastal States Organization and the Oceanic Society commented that the final designation of the dredged material disposal sites are subject to the consistency provisions of the Coastal Zone Management Act. EPA reviewed this comment when originally received in response to the draft EIS and determined that site designation is not subject to the CZMA. In that determination, EPA inadvertently stated that, in the case Chemical Waste Management v. U.S. Department of Commerce, et al., Civil Action No. 86-624, (United States District Court for the District of Columbia, 1986), the court determined that neither the Coastal Zone Management Act (CZMA) nor the National Oceanic and Atmospheric Administration (NOAA) regulations implementing the CZMA authorize a State to impose conditions unilaterally on EPA as part of the consistency certification. In fact, no decision was rendered in the case because it was ultimately dismissed by stipulation of the parties without any court determination. EPA, in re-evaluating this issue and in response to the above commenters, prepared and forwarded consistency determinations to the States of New York, on June 16, 1989, and New Jersey, on July 3, 1989, and informed them that final action regarding the site designations would not be taken until 90 days after the issuance of the respective determinations. EPA issued a Notice of Correction of the Proposed Rule in the Federal Register on August 15, 1989 (54 FR 33585) regarding this action and extended the comment period until September 15, 1989. New York State concurred with the consistency determination and recommended that beach nourishment of the material be encouraged when feasible. New Jersey did not respond to the consistency determination. Under 15 CFR 930.41(a), nonresponse to a federal agency consistency determination within 45 days of issuance may be considered as state agreement with the determination.

The first site, Rockaway, is located approximately 2 nautical miles southeast of Rockaway Inlet, Long Island, New York and occupies an area of approximately 0.38 square nautical miles. Water depths within the site range from 8-11 meters. The corner coordinates of the site are as follows:

40°32'30"N, 73°55'00"W

40°32'30"N, 73°54'00"W

40°32'00"N, 73°54'00"W

40°32'00"N, 73°55'00"W.

The second site, East Rockaway, is located approximately 1.3 nautical miles southwest of East Rockaway Inlet, Long Island, New York and occupies an area of approximately 0.81 square nautical miles. Water depths within the site range from 6 to 9 meters. The corner coordinates are as follows:

40°34'36"N, 73°49'00"W

40°35'06"N, 73°47'06"W

40°34'10"N, 73°48'36"W

40°34'12"N, 73°47'17"W.

The third site, Jones, is located approximately 1.5 nautical miles southwest of Jones Inlet, Long Island, New York and occupies an area of approximately 1.19 square nautical miles. Water depths within the site range from 7 to 10 meters. The corner coordinates of the site are as follows:

40°34'32"N, 73°39'14"W

40°34'32"N, 73°37'06"W

40°33'48"N, 73°37'06"W

40°33'48"N, 73°39'14"W.

The fourth site, Fire Island, is located approximately 1.7 nautical miles southwest of Fire Island Inlet, Long Island, New York and occupies an area of approximately 1.09 square nautical miles. Water depths within the site range from 7 to 10 meters. The corner coordinates of the site are as follows:

40°36'49"N, 73°23'50"W

40°37'12"N, 73°21'30"W

40°36'41"N, 73°21'20"W

40°36'10"N, 73°23'40"W

The fifth site, Shark River, is located approximately 0.4 nautical miles northeast of Shark River Inlet, New Jersey and occupies an area of approximately 0.6 square nautical miles. Water depth within the site is approximately 12 meters. The corner coordinates of the site are as follows:

40°12'48"N, 73°59'45"W

40°12'44"N, 73°59'06"W

40°11'36"N, 73°59'28"W

40°11'42"N, 74°00'12"W

The sixth site, Manasquan, is located approximately 0.3 nautical miles northeast of Manasquan Inlet, New Jersey and occupies an area of ***1026** approximately 0.11 square nautical miles. Water depths within the site are approximately 18 meters. The corner coordinates are as follows:

40°06'36"N, 74°01'34"W

40°06'19"N, 74°01'39"W

40°06'18"N, 74°01'53"W

40°06'41"N, 74°01'51"W

The seventh site, Absecon, is located approximately 0.5 nautical miles southeast of Absecon Inlet, New Jersey and occupies an area of approximately 0.28 square nautical miles. Water depth within the site is approximately 7

meters. The corner coordinates are as follows:

39°20'39"N, 74°18'43"W

39°20'30"N, 74°18'25"W

39°20'03"N, 74°18'43"W

39°20'12"N, 74°19'01"W

The eighth site, Cold Spring, is located approximately 1 nautical mile southwest of Cold Spring Inlet, New Jersey and occupies an area of approximately 0.13 nautical miles. Water depth within the site is approximately 9 meters. The corner coordinates are as follows:

38°55'52"N, 74°53'04"W

38°55'37"N, 74°52'55"W

38°55'23"N, 74°53'27"W

38°55'36"N, 74°53'36"W

If at any time disposal operations at the site cause unacceptable adverse impacts, further use of the site will be restricted or terminated.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effecting monitoring to detect any adverse impacts at an early stage. Where feasible locations off the Continental Shelf are chosen. If at any time disposal operations at an interim site cause unacceptable adverse impacts, the use of that site will be terminated as soon as a suitable alternate disposal site can be designated. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to ensure that the general criteria are met.

The eight sites, as discussed below under the eleven specific factors, are acceptable under the five general criteria except for the preference of sites located off the Continental Shelf. EPA has determined, based on the information presented in the final EIS, that a site off the Continental Shelf is not feasible and that no environmental benefit would be obtained by selecting such a site instead of the sites proposed in this action. As a result of technical and economical constraints associated with the selection of a site off the Continental Shelf, the environmental benefits associated with relocating the disposal sites to a site off the Continental Shelf would not sufficiently outweigh the safety problems and increased costs that would result from increasing distance of the disposal site from the Inlets. Historical use at all eight sites has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment.

The location of the disposal sites has been chosen to minimize the interference of disposal activities with other activities in the marine environment. All sites are located inshore of the major shipping lanes, with the exception

of Rockaway which is located within a precautionary zone. Temporary perturbations in water quality from dredged material disposal may occur, but conditions can be expected to return to ambient levels before reaching any beach, shoreline or known geographically limited fishery or shellfishery (§ 228.5(b)). Based upon disposal site evaluation studies presented in the EIS, the sites proposed for designation satisfy the criteria for site selection set forth in §§ 228.5-228.6 (§ 228.5(c)). EPA established the 11 specific factors (§ 228.6) to constitute an environmental assessment of the impact of disposal at a site. The characteristics of the sites are reviewed below in terms of these eleven factors.

D.1. ROCKAWAY

D.1.1. Geographical position, depth of water, bottom topography, and distance from coast. (40 CFR 228.6(a)(1))

The proposed site is approximately 0.38 square nautical miles in size. Its corner coordinates are given above. Water depth ranges from 8 to 11 meters. The site is located approximately 2 nautical miles southeast of Rockaway Inlet, Long Island, New York, and is approximately 0.4 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site averages 93.5% sand, 1.1% silt, 3.6% clay, and 1.8% gravel.

D.1.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2).)

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commercial and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commercial and recreational fishing areas, and does not constitute a unique site within the Bight for any of these species. Furthermore, both the proposed site and rockaway Inlet are located within shellfish closure zones.

D.1.3. Location in relation to beaches and other amenity areas. (40 CFR 228.6(a)(3).)

The proposed site is approximately 0.4 nautical miles offshore. Rockaway Inlet and the nearby beach do provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shorelines, public health or aesthetics. Furthermore, the amount of material to be disposed of at this site is not significant. The New York District of the Army Corps of Engineers has in the past scheduled its dredging projects during periods of low recreational activity (September to January) so as not to interfere with recreation activities.

D.1.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

Past dredging of this inlet has resulted in removal of approximately 200,000 cubic yards of material every 50 years. Much of this material has been deposited along the adjoining beaches or as offshore berms. The dumping occurs primarily by hopper dredge. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet disposed of at this site in the past has been approximately 96% sand.

D.1.5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider. Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. ***1027** Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material change significantly to ensure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

D.1.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from Rockaway Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards the southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and upon the direction of tidal currents.

D.1.7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggest that previous dumping of dredged material at the site has produced no significant adverse impacts on the water quality at the proposed site. An EPA contractor's survey data did not indicate any trends attributable to previous or current disposal of dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the Site.

D.1.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

Rockaway is not located within a major shipping lane; however, it is within a precautionary zone. Because of the low overall use of this site, there is little probability of interference with shipping traffic. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the site. There are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

D.1.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal areas of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristic of sandy environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.1.10. Potentially for the development or recruitment of nuisance species in the disposal site. (40 CFR

228.6(a)(10)).

Previous disposal at the proposed Rockaway site has not caused any development of nuisance species at the site. There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.1.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed Rockaway site or in areas likely to be affected by dredged material disposal at the site.

D.2 EAST ROCKAWAY

D.2.1. Geographical position, depth of water, bottom topography, and distance from coast. (40 CFR 228.6(a)(1)).

The proposed site, East Rockaway, is approximately 0.81 square nautical miles in size. Its corner coordinates are given above. Water depths range from 6 to 9 meters with an average of 6.9 meters. The site is located approximately 1.3 nautical miles southwest of East Rockaway Inlet, Long Island, New York, and is approximately 0.4 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site averages 96.1% sand, 1.4% silt, 1.6% clay, and 0.9% gravel.

D.2.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2)).

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commercial and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commercial and recreational fishing areas, and does not constitute a unique site within the Bight for any of these species. Furthermore, both the proposed site and East Rockaway Inlet are located within shellfish closure zones.

D.2.3. Location in relation to beaches and other amenity areas. (40 CFR 228.6(a)(3)).

The proposed site is approximately 0.4 nautical miles offshore. East Rockaway Inlet and the nearby beach do provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shoreline, public health, or aesthetics.

D.2.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

Past dredging activities in this inlet has resulted in removal of up to 100,000 cubic yards of material every year. Much of this material has been disposed along the adjoining beaches. The dumping occurs primarily by hopper dredge. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet, disposed of at this site in the past has been 98% sand.

D.2.5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider. Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material are changed significantly to ensure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, ***1028** EPA will take appropriate steps to limit or terminate dumping at the site.

D.2.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from East Rockaway Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards the southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and upon the direction of tidal currents.

D.2.7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggest that previous dumping of dredged material at the site has produced no significant adverse impacts on the water quality at the proposed site. EPA contracted survey data did not indicate any trends attributable to previous or current disposal of dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the Site.

D.2.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

East Rockaway is not located within a major shipping lane. Because of the low overall use of this site, there is little probability of interference with shipping traffic. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the site. There are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

D.2.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal areas of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristic of sandy environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.2.10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR

228.6(a)(10)).

Previous disposal at the proposed East Rockaway site has not caused any development of nuisance species at the site. There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.2.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed East Rockaway site or in areas likely to be affected by dredged material disposal at the site.

D.3 JONES

D.3.1. Geographical position, depth of water, bottom topography, and distance from coast. (40 CFR 228.6(a)(1)).

The proposed site, Jones, is approximately 1.19 square nautical miles in size. Its corner coordinates are given above. Water depths range from 7 to 10 meters. The site is located approximately 1.5 nautical miles southwest of Jones Inlet, Long Island, New York, and is approximately 0.5 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site averages 88.1% sand, 5.5% silt, 6.1% clay, and 0.3% gravel.

D.3.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2)).

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commercial and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commercial and recreational fishing areas, and does not constitute a unique site within the Bight or any of these species.

D.3.3. Location in relation to beaches and other amenity areas. (40 CFR 228.6(a)(3)).

The proposed site is approximately 0.5 nautical miles offshore. Jones Inlet and nearby beaches provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shoreline, public health, or aesthetics.

D.3.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

Past dredging of this inlet has resulted in removal of approximately 175,000 cubic yards of material every year. Much of this material is deposited along the adjoing beaches or as offshore beach/berms. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet disposed of at this site in the past has been 99% sand.

D.3.5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider. Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material change significantly to ensure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

D.3.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from Jones Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing ***1029** the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards the southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and upon the direction of tidal currents.

D.3.7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggest that previous dumping of dredged material at the site has produced no significant adverse impacts on the water quality at the proposed site. EPA contracted survey data did not indicate any trends attributable to previous or current disposal of dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the Site.

D.3.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

The proposed site, Jones, is not located within a major shipping lane. Because of the low overall use of this site, there is little probability of interference with shipping traffic. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the site. There are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

D.3.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal areas of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristic of sandy, dynamic environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.3.10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR 228.6(a)(10)).

Previous disposal at the proposed Jones site has not caused any development of nuisance species at the site. There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.3.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed Jones site or in areas likely to be affected by dredged material disposal at the site.

D.4 FIRE ISLAND

D.4.1. Geographical position, depth of water, bottom topography, and distance from coast. (40 CFR 228.6(a)(1)).

The proposed site, Fire Island, is approximately 1.09 square nautical miles in size. Its corner coordinates are given above. Water depths range from 7 to 10 meters. The site is located approximately 1.7 nautical miles southwest from Fire Island Inlet, Long Island, New York, and is approximately 0.5 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site averages 89.8% sand, 5.9% silt, and 4.3% clay.

D.4.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2)).

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commercial and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commercial and recreational fishing areas, and does not constitute a unique site within the Bight or any of these species.

D.4.3. Location in relation to beaches and other amenity areas. (40 CFR 228.6(a)(3)).

The proposed site is approximately 0.5 nautical miles offshore. Fire Island Inlet and nearby beaches provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shorelines, public health, or aesthetics.

D.4.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

Past dredging of this inlet has resulted in removal of approximately 1.5 million cubic yards of material every year. Most of this material is deposited along the adjoining beaches. The dumping occurs primarily by pumping onto the beach from hydraulic pipeline. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet, disposed of at this site in the past has been 99% sand.

D.4.5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider.

Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material change significantly to ensure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

D.4.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from Fire Island Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards the southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and upon the direction of tidal currents.

***1030** D.4.7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggest that previous dumping of dredged material at the site has produced no significant adverse impacts on the water quality at the proposed site. EPA contracted survey data did not indicate any trends attributable to previous or current disposal of dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the Site.

D.4.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

The proposed Fire Island site is not located within a major shipping lane. Because of the low overall use of this site, there is little probability of interference with shipping traffic. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the site. There are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

D.4.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal areas of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristics of sandy, dynamic environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.4.10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR 228.6(a)(10).

Previous disposal at the proposed Fire Island site has not caused any development of nuisance species at the site.

There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.4.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed Fire Island site or in areas likely to be affected by dredged material disposal at the site.

D.5 SHARK RIVER

D.5.1. Geographical position, depth of water, bottom topography, and distance from coast. (40 CFR 228.6(a)(1)).

The proposed site, Shark River, is approximately 0.6 square nautical miles in size. Its corner coordinates are given above. Water depths are approximately 12 meters. The site is located approximately 0.4 nautical miles northeast of Shark River Inlet, New Jersey, and is approximately 0.25 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site averages 60.9% sand, 27.7% silt and clay, and 11.4% gravel.

D.5.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2)).

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commercial and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commercial and recreational fishing areas, and does not constitute a unique site within the Bight or any of these species.

D.5.3. Location in relation to beaches and other amenity areas. (40 CFR 228.6(a)(3))

The proposed site is approximately 0.25 nautical miles offshore. Shark River Inlet and nearby beaches provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shorelines public health or aesthetics. Furthermore, Shark River Inlet and the proposed site are located within shellfish closure areas.

D.5.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

Past dredging of this inlet has resulted in removal of approximately 42,000 cubic yards of material every five years. The dumping occurs primarily by pumping onto the adjoining beaches with hydraulic pipeline equipment. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet, disposed of at this site in the past has been 88 to 96% sand.

D.5.5. Feasiblity of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider.

Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material are changed significantly to assure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

D.5.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from Shark River Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards the southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and upon the direction of tidal currents.

D.5.7 Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggest that previous dumping of dredged material at the site has produced no ***1031** significant adverse impacts on the water quality at the proposed site. EPA contracted survey data did not indicate any trends attributable to previous or current disposal of dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the Site.

D.5.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

The proposed Shark River site is not located within a major shipping lane. Because of the low overall use of this site, there is little probability of interference with shipping traffic. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the site. There are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

D.5.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal areas of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristic of sandy, dynamic environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.5.10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR 228.6(a)(10)).

Previous disposal at the proposed Shark River site has not caused any development of nuisance species at the

site. There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.5.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed Shark River site or in areas likely to be affected by dredged material disposal at the site.

D.6 MANASQUAN

D.6.1. Geographical position, depth of water, bottom topography, and distance from coast. (40 CFR 228.6(a)(1)).

The proposed site, Manasquan, is approximatey 0.11 square nautical miles in size. Its corner coordinates are given above. Water depth is approximately 7 meters. The site is located approximately 0.3 nautical miles northeast of Manasquan Inlet, New Jersey, and is approximately 0.25 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site average 89.9% sand, 8.5% silt and clay, and 1.6% gravel.

D.6.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2)).

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commercial and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commercial and recreational fishing areas, and does not constitute a unique site within the Bight or for any of these species.

D.6.3. Location in relation to beaches and other amenity areas. (40 CFR 228.6(a)(3)).

The proposed site is approximately 0.25 nautical miles offshore. Manasquan Inlet and nearby beaches provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shorelines, public health or aesthetics. Furthermore, Manasquan Inlet and the proposed site are located within shellfish closure areas.

D.6.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

In the past, this site received approximately 80,000 cubic yards of material bi-annually. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet, disposed of at this site in the past has been at least 80% sand.

D.6.5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider. Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used.

Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material are changed significantly to assure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

D.6.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from Manasquan Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards the southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and upon the direction of tidal currents.

D.6.7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggest that previous dumping of dredged material at the site has produced no significant adverse impacts on the water quality at the proposed site. EPA contracted survey data did not indicate any trends attributable to previous or current disposal of dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the site.

***1032** D.6.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

The proposed Manasquan site is not located within a major shipping lane. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the site. There are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

D.6.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal areas of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristic of sandy, dynamic environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.6.10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR 228.6(a)(10)).

Previous disposal at the proposed Manasquan site has not caused any development of nuisance species at the site. There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.6.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical

importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed Manasquan site or in areas likely to be affected by dredged material disposal at the site.

D.7 ABSECON

D.7.1. Geographical position, depth of water, bottom topography, and distance from coast. (40 CFR 228.6(a)(1)).

The proposed site, Absecon, is approximately 0.28 square nautical mile in size. Its corner coordinates are given above. Water depth is approximately 18 meters. The site is located approximately 0.5 nautical mile southeast of Absecon Inlet, New Jersey, and is approximately 5.5 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site averages 92.8% land, 7.0% silt and clay, and 0.2% gravel.

D.7.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2)).

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commercial and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commercial and recreational fishing areas, and does not constitute a unique site within the Bight or any of these species.

D.7.3. Location in relation to beaches and other amenity areas. (40 CFR 228.6(a)(3)).

The proposed site is approximately 5.5 nautical miles offshore. Absecon Inlet and nearby beaches provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shoreline, public health, or aesthetics.

D.7.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

In the past, this site has received approximately 100,000 cubic yards of material every year. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet, disposed of at this site in the past has been at least 80% sand.

D.7.5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider. Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material change significantly to ensure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

D.7.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from Absecon Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards and southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend upon the speed and direction of the wind and upon the direction of tidal currents.

D.7.7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggest that previous dumping of dredged material at the site has produced no significant adverse impacts on the water quality at the proposed site. EPA contracted survey data did not indicate any trends attributable to previous or current disposal or dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the Site.

D.7.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

The proposed Absecon site is not located within a major shipping lane. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the ***1033** site. There are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

D.7.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal areas of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristic of sandy, dynamic environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.7.10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR 228.6(a)(10)).

Previous disposal at the proposed Absecon site has not caused any development of nuisance species at the site. There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.7.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed Absecon site or in areas likely to be affected by dredged material disposal at the site.

D.8 COLD SPRING

D.8.1. Geographical position, depth of water, bottom topography and distance from coast. (40 CFR 228.6(a)(1)).

The proposed site, Cold Spring, is approximately 0.13 square nautical miles in size. Its corner coordinates are given above. Water depth is approximately 9 meters. The site is located approximately 1.0 nautical miles southwest of Cold Spring Inlet, New Jersey, and is approximately 0.7 nautical miles offshore. The bottom topography is characterized by ridges and swales. The sediment composition at the site averages 96.5% sand, 2.7% silt and clay, and 0.8% gravel. Furthermore, Cold Spring Inlet and the proposed site are located within shellfish closure zones.

D.8.2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. (40 CFR 228.6(a)(2)).

The site does not encompass any known unique breeding, spawning, nursery, or passage areas of nekton, marine mammals, or birds. Marine mammals including whales, dolphins, and sea turtles frequent the New York Bight on a seasonal basis, and shellfish grounds including clams, quahogs, scallops, and lobsters can be found throughout the Bight. The Bight also supports large commerical and recreational fisheries. The proposed dredged material disposal site was selected because of its location outside of major commerical and recreational fishing areas, and does not constitute a unique site within the Bight or any of these species.

D.8.3. Location in relation to beaches and other amenity areas.

The proposed site is approximately 0.7 nautical miles offshore. Cold Spring Inlet and nearby beaches provide important recreational areas and many tourists utilize these areas during the summer months. However, the release of material at the site is not expected to adversely affect the shoreline, public health, or aesthetics. Furthermore, Cold Spring Inlet and the proposed site are within shellfish closure areas.

D.8.4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. (40 CFR 228.6(a)(4)).

In the past, this site has received approximately 50,000 cubic yards of material bi-annually, with intermittent periods of no disposal. Only dredged material consisting of sands, silts, and clays will be disposed of at the site. All dredged materials must satisfy EPA criteria before any permits for ocean dumping are granted. None of the material will be packaged in any way. The dredged material from the Inlet, disposed of at this site in the past has been primarily sand.

D.8.5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5)).

Surveillance of disposal operations at the proposed site could be achieved from shore, helicopter, or shiprider. Periodic monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is used. Additional monitoring will be required if dredging volumes and/or characteristics of the dredged material change significantly to ensure that adverse impacts do not develop. Periodic reports of monitoring operations will be made available to interested persons upon request. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

D.8.6. Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6)).

Dredged materials characteristically exhibit dispersion of fine material and subsequent elevated levels of suspended sediment and turbidity when they are disposed. The material to be dredged from Cold Spring Inlet is similar in composition to the disposal site and is composed primarily of sand, minimizing the degree of resuspension and increase in turbidity. Generally, nearshore current flows are towards the southwest and onshore. In general, transport of suspended solids from dredged material disposal will depend primarily upon the speed and direction of the wind and upon the direction of tidal currents.

D.8.7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7)).

Chemical and biological data suggests that previous dumping of dredged material at the site has produced no significant adverse impacts on the water quality at the proposed site. EPA contracted survey data did not indicate any trends attributable to previous or current disposal of dredged material. No major differences in finfish and shellfish species or numbers were found in the surveys within and adjacent to the site.

D.8.8. Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. (40 CFR 228.6(a)(8)).

The proposed Cold Spring site is not located within a major shipping lane. No navigational problems related to dredged material disposal at this site have been reported to date. No mineral extraction or fish and shellfish culture exist or are planned near the dumpsite. Desalination does not occur near the site. These are no unique resources of special scientific importance in the disposal area due to the small size of the disposal area in relation to the New York Bight.

***1034** D.8.9. The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9)).

Environmental surveys of the site were conducted in 1979 by an EPA contractor. The study revealed coastal water similar in water quality and thermohaline structure to other coastal area of New York and New Jersey. The benthic community was dominated by deposit-feeders, ubiquitous throughout the study area, but very patchily distributed. These species are opportunistic and characteristic of sandy, dynamic environments. The fauna at the proposed site are thus well adapted to survive future disposal operations.

D.8.10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR 228.6(a)(10)).

Previous disposal at the proposed Cold Spring site has not caused any development of nuisance species at the site. There are no components in the dredged material which would attract or recruit nuisance species to the site.

D.8.11. Existence at or in close proximity to the site of any significant natural or cultural feature of historical importance. (40 CFR 228.6(a)(11)).

No such areas have been identified at the proposed Cold Spring site or in areas likely to be affected by dredged material disposal at the site.

E. Action

The EIS concludes that the proposed sites may appropriately be designated for use. The sites are compatible

with the general criteria and specific factors used for site evaluation.

The designation of the Rockaway, East Rockaway, Jones, Fire Island, Shark River, Manasquan, Absecon, and Cold Spring sites as EPA approved ocean dumping sites is being published as final rulemaking. Management of these sites will be designated to the Regional Administrator of Region II.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at a site may commerce, the U.S. Army Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the right to disapprove the actual dumping if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is “major” and therefore subject to the requirement of a Regulatory Impact analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any other effects which would result in its being classified by the Executive Order as a “major” rule. Consequently, the rule does not necessitate the preparation of a Regulatory Impact Analysis.

The final rule does not contain any information collection requirements subject to the Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et. seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Constantine Sidamon-Eristoff,

Regional Administrator, Region II.

In consideration of the foregoing, subchapter H of chapter I of title 40 is amended as set forth below.

PART 228—[AMENDED]1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. Secs. 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(i)(G) and paragraph (a)(3) is amended by removing from the “Dredged Material Sites” listing the entries for Rockaway Inlet; East Rockaway; Jones Inlet; Fire Island; Shark River; Manasquan Inlet; Absecon Inlet; Cold Spring Inlet; and adding paragraphs (b) (60) through (67) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(60) Rockaway Inlet, Long Island, New York Dredged Material Disposal Site—Region II

Location: 40°32'30" N; 73°55'00" W; 40°32'30" N; 73°54'00" W; 40° 32'30" N; 73°54'00" W; 40°s 32'30" N; 73°55'00" W.

Size: Approximately 0.38 square nautical miles

Depth: Ranges from 8 to 11 meters

Primary use: Dredged material disposal

Period of Use: Continuing Use

Restrictions: Disposal shall be limited to dredged material from Rockaway Inlet, Long Island, New York.

(61) East Rockaway Inlet, Long Island, New York Dredged Material Disposal Site—Region II

Location: 40°34'36" N; 73°49'00" W; 40°35'06" N; 73°47'06" W; 40° 34'10" N; 73°48'36" W; 40°s 34'12" N; 73°47'17" W.

Size: Approximately 0.81 square nautical miles

Depth: Ranges from 6 to 9 meters

Primary Use: Dredged material disposal

Period of Use: Continuing Use

Restrictions: Disposal shall be limited to dredged material from East Rockaway Inlet, Long Island, New York.

(62) Jones Inlet, Long Island, New York Dredged Material Disposal Site—Region II

Location: 40°34'32" N; 73°39'14" W; 40°34'32" N; 73°37'06" W; 40° 33'48" N; 73°37'06" W; 40°s 33'48" N; 73°39'14" W.

Size: Approximately 1.19 square nautical miles

Depth: Ranges from 7 to 10 meters

Primary Use: Dredged material disposal

Period of Use: Continuing Use

Restrictions: Disposal shall be limited to dredged material from Jones Inlet, Long Island, New York.

(63) Fire Island Inlet, Long Island, New York Dredged Material Disposal Site—Region II

Location: 40°36'49" N; 73°23'50" W; 40°37'12" N; 73°21'30" W; 40° 36'41" N; 73°21'20" W; 40°s 36'10" N; 73°23'40" W.

Size: Approximately 1.09 square nautical miles

Depth: Ranges from 7 to 10 meters

Primary Use: Dredged material disposal

Period of Use: Continuing Use

Restrictions: Disposal shall be limited to dredged material from Fire Island Inlet, Long Island, New York.

(64) Shark River, New Jersey Dredged Material Disposal Site—Region II

Location: 40°12'48" N; 73°59'45" W; 40°12'44" N; 73°59'06" W; 40° 11'36" N; 73°59'28" W; 40°s 11'42" N; 74°00'12" W.

Size: Approximately 0.6 square nautical miles

Depth: Approximately 12 meters

Primary Use: Dredged material disposal

Period of Use: Continuing Use

Restrictions: Disposal shall be limited to dredged material from Shark River Inlet, New Jersey.

(65) Manasquan, New Jersey Dredged Material Disposal Site—Region II

Location: 40°06'36" N; 74°01'34" W; 40°06'19" N; 74°01'39" W; 40° 06'18" N; 74°01'53" W; 40°s 06'41" N; 74°01'51" W.

Size: Approximately 0.11 square nautical miles

Depth: Approximately 7 meters

Primary Use: Dredged material disposal

Period of Use: Continuing Use

***1035** Restrictions: Disposal shall be limited to dredged material from Manasquan Inlet, New Jersey.

(66) Absecon Inlet, New Jersey Dredged Material Disposal Site—Region II

Location: 39°20'39" N; 74°18'43" W; 39°20'30" N; 74°18'25" W; 39° 20'03" N; 74°18'43" W; 39°s 20'12" N; 74°19'01" W.

Size: Approximately 0.28 square nautical miles

Depth: Approximately 18 meters

Primary Use: Dredged material disposal

Period of Use: Continuing Use

Restrictions: Disposal shall be limited to dredged material from Absecon Inlet, New Jersey.

(67) Cold Spring Inlet, New Jersey Dredged Material Disposal Site—Region II

Location: 38°55'52" N; 74°53'04" W; 38°55'37" N; 74°52'55" W; 38° 55'23" N; 74°53'27" W; 38°s 55'36" N; 74°53'36" W.

Size: Approximately 0.13 square nautical miles

Depth: Approximately 9 meters

Primary Use: Dredged material disposal

Period of Use: Continuing Use

Restrictions: Disposal shall be limited to dredged material from Cold Spring Inlet, New Jersey.

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