

RULES and REGULATIONS
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[WH-FRL 1853-4]

Ocean Dumping—Final Designation of Sites

Tuesday, June 16, 1981

***31412** AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates five ocean disposal sites off Hawaii for continuing use for the disposal of dredged material. This action is ***31413** necessary to provide ocean dumping sites for the disposal of dredged material from Hawaiian harbors. Dredging of these harbors is necessary to maintain adequate navigational depths. This action will change the interim designation of some sites to a permanent designation based upon environmental and other considerations and will also change the location of some sites to more environmentally acceptable locations.

DATE: These site designations shall become effective on June 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, D.C. 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, [33 U.S.C. 1401](#) et seq., (hereafter “the Act”) gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management. These proposed site designations are being made pursuant to that authority.

The EPA Ocean Dumping Regulations ([40 CFR Chapter I, Subchapter H, Section 228.4](#)) state that ocean dumping sites will be designated by publication in this Part 228. A list of “Approved Interim and Final Ocean Dumping Sites” was published on January 11, 1977 (42 FR 2461 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established these sites as interim sites, pending completion of an Environmental Impact Statement (EIS) evaluating environmental effects of dumping dredged material at those locations.

On November 14, 1980, EPA proposed designation of five sites off Hawaii for the disposal of dredged material resulting from maintenance dredging of six harbors in Hawaii. (45 FR 75241). The proposed rulemaking contained detailed information regarding these five sites. The public comment period expired on January 13, 1981. No comments were received.

The EPA has prepared a Final EIS entitled “Final Environmental Impact Statement for Hawaii Dredged Material Disposal Site Designation,” which was prepared in accordance with EPA policy which provides for voluntary preparation of EIS's for certain specific regulatory actions. The Final EIS was filed with the EPA Office of Environmental Review on October 1, 1980, and a notice of availability for public review and comment was published in the Federal Register on October 10, 1980. The public comment period on this Final EIS closed November 10, 1980.

Based on the information reported in the Final EIS, EPA is designating these five sites for continuing disposal of dredged materials. These materials result from the maintenance dredging of six harbors in Hawaii, which generally becomes necessary in each harbor every five to ten years. For additional information regarding these sites and the anticipated environmental consequences of dumping dredged material at the sites, interested parties should examine the EIS.

The designation of the five Hawaii dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority on these sites will be delegated to the Regional Administrator of EPA Region IX.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of [Executive Order 12291](#) pursuant to Section 8(b) of that Order.

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. Since this rule only establishes an option for disposal of dredged material from six harbors in Hawaii, EPA has determined that it will not have a significant impact on small entities. Consequently, this rule does not trigger the requirements for preparation of a Regulatory Flexibility Analysis.

The proposed site designation is hereby promulgated without change, as set forth below.

Authority: [33 U.S.C. Sections 1412](#) and [1418](#).

Dated: May 31, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding to [Section 228.12\(b\)\(8\)](#) through [\(12\)](#) five ocean dumping sites for Region IX as follows:

[40 CFR § 228.12](#)

[§ 228.12](#) Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(8) South Oahu Site—Region IX.

Location (center point): Latitude—21°15'10" N. Longitude—157° 56'50" W.

Size: 2 kilometers wide and 2.6 kilometers long.

Depth: Ranges from 400 to 475 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material.

(9) Nawiliwili Site—Region IX.

Location (center point): Latitude—21°55'00" N. Longitude—159° 17'00" W.

Size: Circular with a radius of approximately 920 meters.

Depth: Ranges from 840 to 1,120 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material.

(10) Port Allen Site—Region IX.

Location (center point): Latitude—21°50'00" N. Longitude—159° 35'00" W.

Size: Circular with a radius of approximately 920 meters.

Depth: Ranges from 1,460 to 1,610 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material.

(11) Kahului Site—Region IX.

Location (center point): Latitude—21°04'42" N. Longitude—156° 29'00" W.

Size: Circular with a radius of approximately 920 meters.

Depth: Ranges from 345 to 365 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material.

(12) Hilo Site—Region IX.

Location (center point): Latitude—19°48'30" N. Longitude—154° 58'30" W.

Size: Circular with a radius of approximately 920 meters.

Depth: Ranges from 330 to 340 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material.

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