

Overview of Corps National Dredging Program and Regulations



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US Army Corps of Engineers
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Corps' Mission

- Establish and maintain navigation since 1824 Survey Act
- That mission requires dredging and disposal in compliance with applicable laws and regulations
- Properly manage contaminated sediments



Navigation System

- 25,000 miles navigation channels
- 11,000 miles commercially important



Quantities of Dredged Sediments

- 250 million cubic yards from 25,000 miles of navigation channels
- 75 million cubic yards from permits
- 325 million cubic yards each year



Authorizations

- Rivers and Harbors Act of 1899,
and all subsequent WRDA's
- Federal Water Pollution Control Act
(Clean Water Act)
 - ▶ Section 404
- Marine Protection, Research,
and Sanctuaries Act
 - ▶ Section 103



Quantities of Dredged Material Placed

- 55 million cubic yards goes to 108 ocean sites regulated under the Marine Protection, Research, and Sanctuaries Act
- 270 million cubic yards regulated under the Clean Water Act



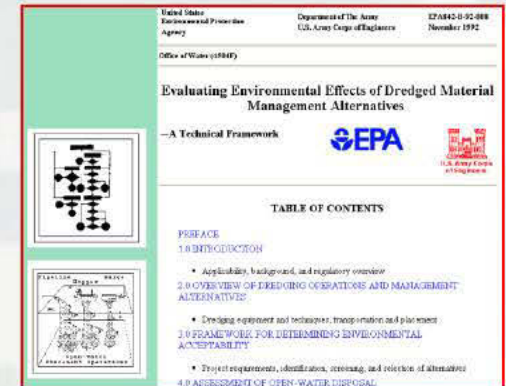
Quantities of Contaminated Sediments

- 3% to 5% or 12 to 20 million cubic yards require special handling and management



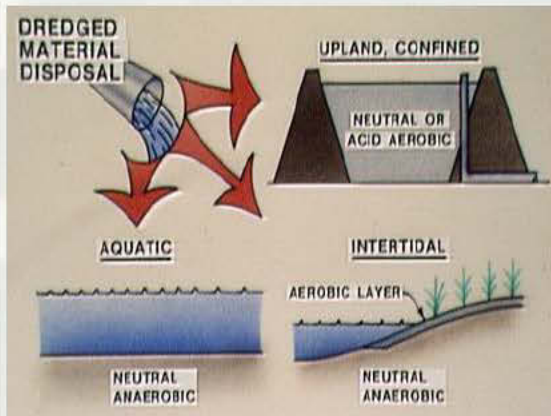
Navigation Dredging

- 33 CFR 335-338 Corps Dredging Regulation
- EPA/Corps Technical Framework for DM
- Testing and Evaluation Manuals for Ocean (103) and Inland (404) Waters - National and Regional Manuals
- Ocean Site Designation Manual
- DM Capping Guidance Manual
- Upland Testing Manual



National and International Leadership

London Dumping Convention



CORPS/EPA Disposal Guidelines & Criteria



Environmental Laws and Regulations Applicable to Dredging and Dredged Material Disposal Activities

- 1. National Environmental Policy Act of 1969**
- 2. Clean Air Act of 1970**
 - Section 309 requires EPA review of federal action agency NEPA documents
- 3. Resource Conservation and Recovery Act of 1976**

Dredged material excluded as a hazardous waste through 1998 rule making at 40 CFR 261.4(g)



4. Rivers & Harbors Act of 1899

- Section 10 - Permits for Structures and Activities in Navigable Waters
- Section 13 - Refuse Act. CWA subsumed the permitting provisions of Section 13 into Section 402. Enforcement provision was retained.

5. Federal Water Pollution Control Act of 1972 (amended and renamed the Clean Water Act in 1977)

▪ TITLE IV- Permits and Licenses

- Section 401 – Requires water quality “certification” of activities needing a federal license or permit



- Section 402 – NPDES

 - Dredged material excluded at 40 CFR 122.3(b)

- Section 403 - Ocean Discharge Criteria

 - Same criteria as at 102 of the ODA

- Section 404 - Permits for Dredged or Fill Material

 - 404(b)(1) guidelines developed by EPA in conjunction with Corps

 - requires comparability in testing between Sec 404 and Sec 403 (Legal basis for ITM/OTM single manual)

- Section 405 - Disposal of Sewage Sludge

 - Prohibits disposal in waters absent an EPA Permit



6. Marine Protection, Research, and Sanctuaries Act of 1972 (commonly called the Ocean Dumping Act)

Title I - Ocean Dumping

- Section 102 - EPA permits for everything but dredged material. Currently two fish waste sites. Sinking ships and burial at sea general permitted.
- Establish criteria for all waste and consult with Corps for criteria affecting Civil Works program
- Section 103 - Corps issues permits for transportation for disposal of dredged material
- Must apply EPA 102(a) criteria
- Discharge of fill in territorial sea regulated by CWA
- Disposal of dredged material in territorial sea regulated by 102(a) criteria. See 40 CFR 230.2(b)



- 7. Coastal Zone Management Act of 1972**
 - Section 307 - Coordination and Cooperation
- 8. Endangered Species Act of 1973**
 - Section 7 - Interagency Cooperation
- 9. Fish and Wildlife Coordination Acts of 1934, 1956 and 1958**
- 10. National Historic Preservation Acts of 1966 and 1980**
- 11. Submerged Lands Act of 1953**



Regulatory Authorities

- U.S. NOAA Fisheries
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- State Fish and Game Agencies
- State Water Quality Certifying Agencies
- State Coastal Zone Management Agencies
- Other Federal and State Agencies



The DOTS website is a valuable resource!!!

<http://el.erdcl.usace.army.mil/dots/dots.html>



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Questions?



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