

# **Overview of Corps National Dredging Program and Regulations**

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# Corps' Mission

- To maintain navigation
- Dredging and disposal of sediment from waterways
- Proper management of contaminated sediment from navigation projects



# Navigation System

- 25,000 miles = 8 trips between New York and Los Angeles
- 11,000 miles are commercially important

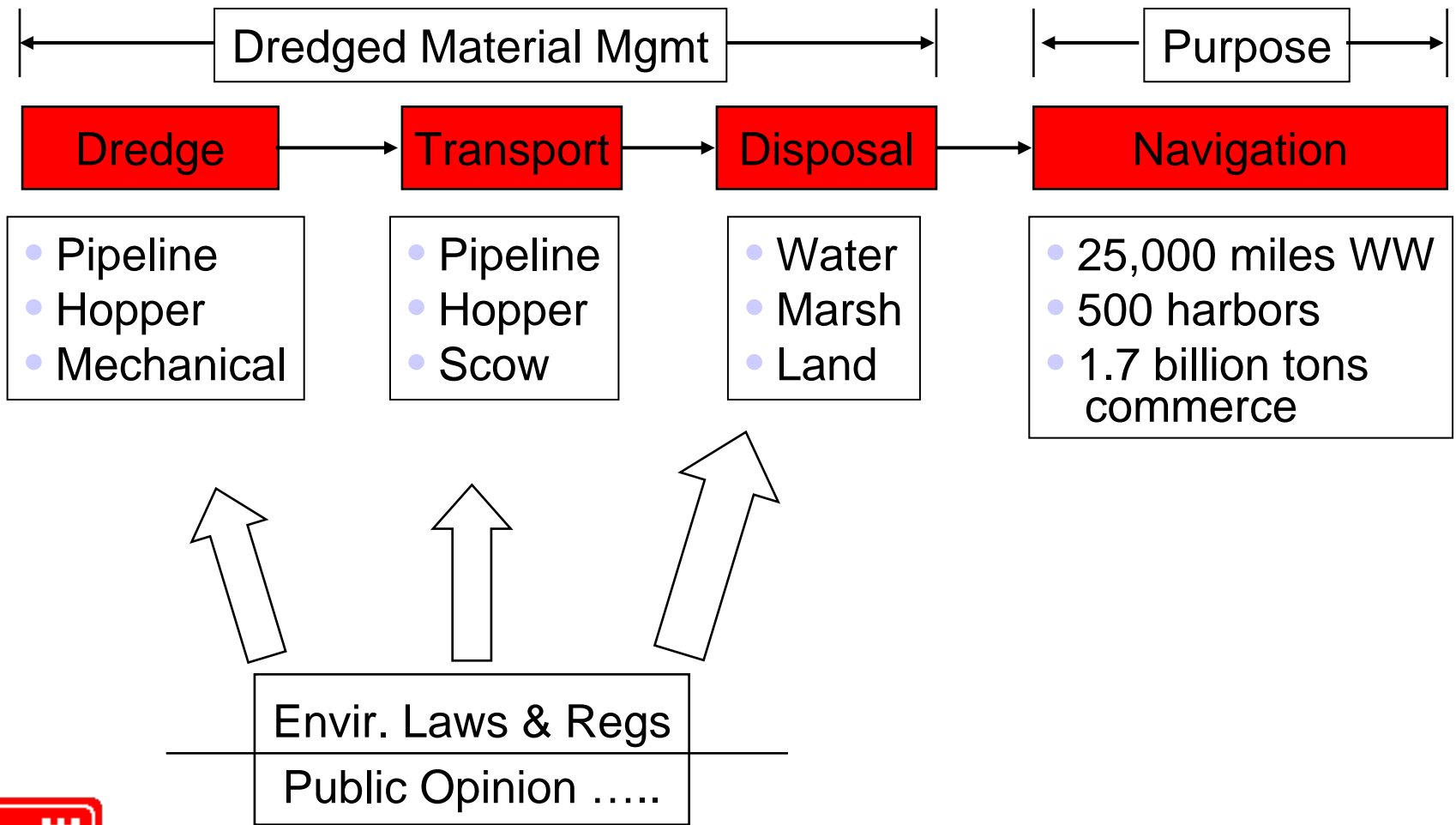


# Typical Projects

- Federal channels
- Private channels, berths (permits)
- Navy



# National Dredging Program



# 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



# How Much Dredged Material?



> 1½ feet deep  
over Chicago

> 5½ feet deep over  
Washington, D.C.



# Authorization

- Rivers and Harbors Act of 1899,
  - Section 10
- Clean Water Act
  - Section 404
- Marine Protection, Research, and Sanctuaries Act
  - Section 103





# Quantities of Dredged Material Placed

- 55 million cubic yards regulated by the Marine Protection, Research, and Sanctuaries Act
- 270 million cubic yards regulated by 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**  
**Versus**  
**Cleanup Dredging**



# **Navigation Dredging (33CFR Parts 335-338)**

- 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
- Dredged Material Capping Guidance Manual
- Upland Testing Manual



# **Authorities for Contaminated Sediment Cleanup**

- Section 115 of Clean Water Act
- Section 118 of Clean Water Act
- CERCLA/SARA (Superfund)
- CERCLA Natural Resources Damage Assessment
- Section 312 Water Resources Development Act of 1990



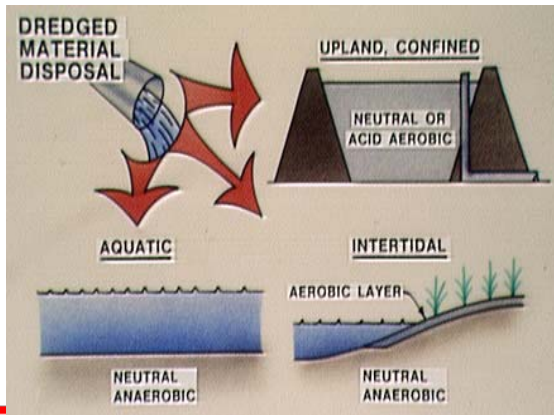
# Cleanup Dredging Work for Others Authorities

- EPA
  - Clean Water Act (1972) Section 115
  - CERCLA (1980)
  - SARA (1986)
  - Water Quality Act (1987) - Great Lakes
  - WRDA 1990 S312 - Environmental Dredging
- NOAA
  - SARA/NRT - Natural Resource Trustee



# National and International Leadership

London Convention



CORPS/EPA  
Disposal Guidelines &  
Criteria



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





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

- 1. National Environmental Policy Act of 1969**
2. Executive Order 11514
3. Environmental Quality Improvement Act of 1970
4. Executive Order 12088, Federal Compliance - Pollution Control Standards
5. Executive Order 11564, Transfer of Oceanographic Programs
6. Executive Order 11988, Floodplain Management
7. Executive Order 11990, Protection of Wetlands
8. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions

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

10. Executive Order 12301, Integrity and Efficiency in Federal Programs
11. Executive Order 12372, Intergovernmental Review of Federal Programs
12. Executive Order 12498, Regulatory Planning Process
- 13. Comprehensive Environmental Response,  
Compensation and Liability Act of 1980**
14. Environmental Education Act of 1978
15. Environmental Programs Assistance Act of 1984

(Continued)



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

## **16. Clean Air Act**

- Section 309

## **17. Resource Conservation and Recovery Act of 1976**

Dredged material excluded as a hazardous waste under 40 CFR 261.4

## **18. Federal Water Pollution Control Act of 1972 (amended and renamed the Clean Water Act of 1977)**

- Section 301 - Effluent Limitations
- Section 303 - Water Quality Standards and Implementation Plans
- Section 313 - Federal Facilities Pollution Control

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

- Section 401 - WQ Certification
- Section 402 - NPDES
- Section 403 - Ocean Discharge Criteria
- Section 404 - Permits for Dredged Material or Fill
- Section 405 - Disposal of Sewage Sludge

19. Water Quality Act of 1987

20. **Rivers & Harbors Act of 1899 (The Refuse Act)**

- Section 10 - Permits for Structures and Activities in Navigable Waters
- Section 13 - Refuse Act

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

21. Water Resource Planning Act
22. Port & Tanker Safety Act of 1979
23. Oil Pollution Act of 1990
24. **Marine Protection, Research, and Sanctuaries Act of 1972 (commonly called the Ocean Dumping Act)**
  - Title I - Ocean Dumping
    - Section 102 - EPA permits
    - Section 103 - COE permits

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

This section provides authority to the Corps to designate ocean dumping sites for dredged material in the event that EPA designated sites are not feasible for use.

- Section 106 - Relationship to Other Laws

Title II - Comprehensive Research on Ocean Dumping

Title III - National Marine Sanctuaries

25. Safe Drinking Water Act
26. Estuary Protection Act of 1968
27. National Ocean Pollution Act of 1978
28. Reservoir Salvage Act of 1968



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

29. River and Harbor and Flood Control Act of 1970

30. Water Resources Development Acts

- Date to 1779
- Some of you may be familiar with the WRDA's
- There are many provisions that pertain to dredging and dredged material disposal



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

31. Federal Environmental Pesticide Control Act of 1972
32. Outer Continental Shelf Lands Act
- 33. Coastal Zone Management Act of 1972**
  - Section 303 - Declaration of Policy
  - Section 307 - Coordination and Cooperation
34. Marine Mammal Protection Act
- 35. Endangered Species Act of 1973**
  - Section 7 - Interagency Cooperation
36. Coastal Barrier Resource Act of 1982

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

- 37. Fish and Wildlife Coordination Acts of 1934, 1956, and 1958**
38. Fish and Wildlife Conservation Act of 1980
39. Wild and Scenic Rivers Act
40. Soil and Water Resources Conservation Act of 1977
41. Water Resources Research Act of 1984
- 42. Toxic Substances Control Act**
43. Antiquities Act of 1906
44. American Indian Religious Freedom Act of 1978
45. Archeological Resources Act of 1979

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

46. Historic Sites Act of 1935
- 47. National Historic Preservation Acts of 1966 and 1980**
48. Abandoned Shipwreck Act of 1987 (PL 100-298)
49. American Folklife Preservation Act, PL 94-201
50. Farmlands Protection Policy Act of 1981
51. Federal Insecticide, Fungicide and Rodenticide Act as amended by the Fed. Environmental Pesticide Control Act, 7 U.S.C.
52. Federal Land Policy and Management Act of 1976, 40 U.S.C.
53. Federal Water Project Recreation Act, PL 89-72, 16 U.S.C.

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

54. Land and Water Conservation Fund Act of 1965, PL 88-578, 16 U.S.C.
55. Marine Mammal Protection Act of 1972, PL 92-522, 16 U.S.C.
56. Migratory Bird Conservation Act of 1928, 16 U.S.C.
57. Migratory Bird Treaty Act of 1918, 18 U.S.C.
58. Native American Graves Protection and Repatriation Act of 1990, PL 101-601
59. Native American Religious Freedom Act, PL 95-341, 42 U.S.C.
60. Noise Control Act, 42 U.S.C.
61. Safe Drinking Water Act, 42 U.S.C.

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

- 62. Submerged Lands Act of 1953, PL 82-3167,  
43 U.S.C.**
63. Surface Mining Control and Reclamation Act of 1977, PL  
95-89, 30 U.S.C.
64. Executive Order 11593, Protection and Enhancement of  
the Cultural Environment
65. Executive Order 12580, Superfund Implementation
- 66. Magnuson-Stevens Act 16 U.S.C. 1801 *et*  
*seq.* as reauthorized by the Sustainable  
Fisheries Act of 1996.**



# Federal Standard

The disposal alternative or alternatives identified by the Corps which represents the least costly alternative consistent with sound engineering practices and meeting the environmental standards established by the 404(b)(1) evaluation process or ocean dumping criteria.



# Regulatory Authorities

- U.S. National Marine Fisheries Service
- 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

