

Central and Western Long Island Sound Dredged Material Disposal Sites Rulemaking

Public Hearing on Proposed Amendments

U.S. EPA Regions 1 and 2
March 1, 2016



EPA-USACE Share Responsibility

- Marine Protection, Research, and Sanctuaries Act (MPRSA, aka Ocean Dumping Act)
 - Section 102: EPA Designates Sites
 - Section 103: USACE Selects Sites subject to EPA concurrence
- Dredged material disposal at these sites must meet criteria in Ocean Dumping Regulations (40 CFR Parts 220-229)
- Clean Water Act (CWA)
 - Section 404: USACE issues permits subject to EPA concurrence
 - Section 404(c): EPA has veto authority



MPRSA or Ocean Dumping Act

- Dredged material should not be disposed unless it can be demonstrated that such disposal will not unreasonably degrade or endanger:
 - human health, welfare, or amenities; or
 - the marine environment, ecological systems, or economic potentialities.
- EPA established criteria that consider the:
 - need for disposal;
 - effect of disposal on human and ecological health, and other uses of the ocean; and
 - alternatives to ocean disposal.



Long Island Sound Dredged Material Disposal Sites

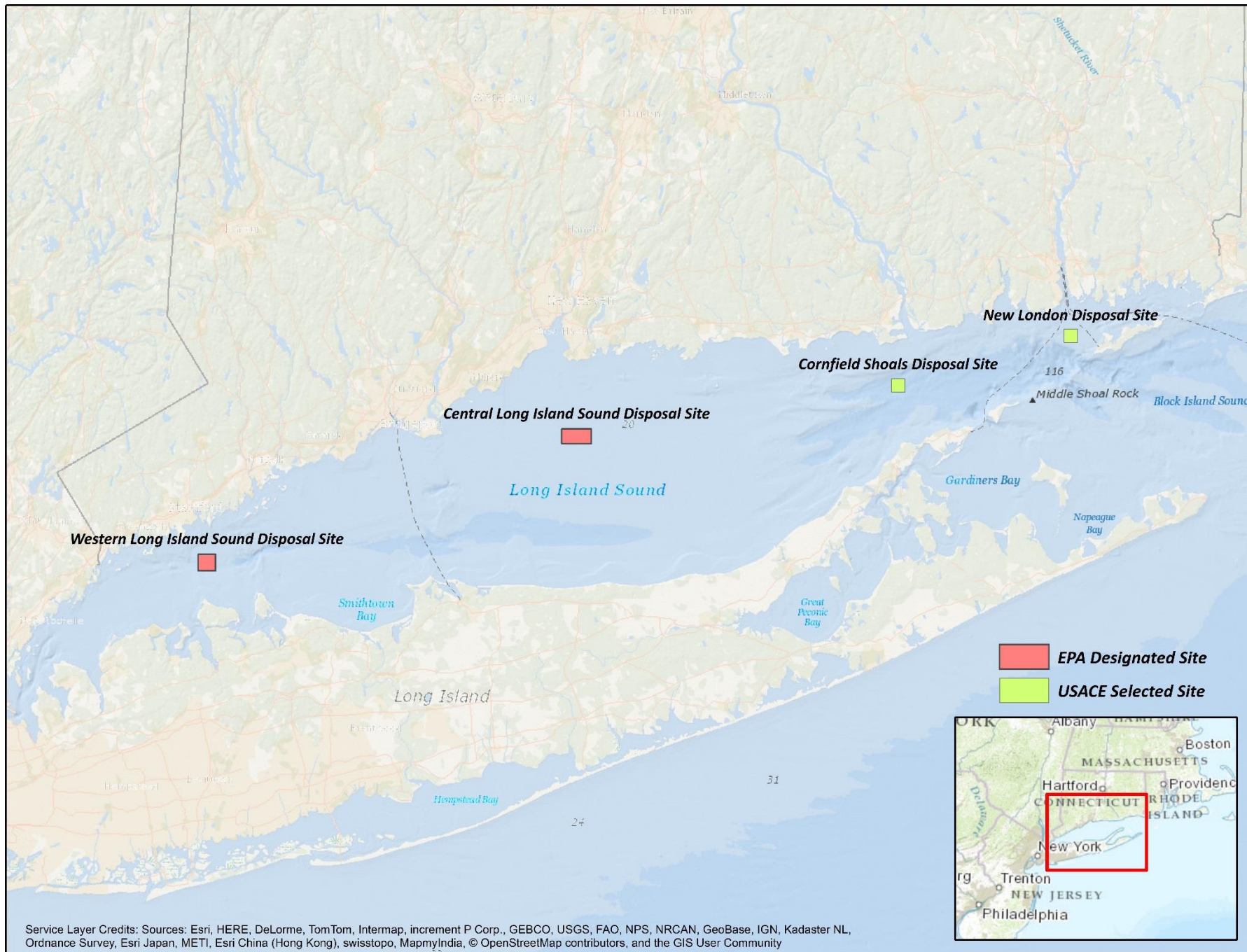
Designated by EPA in July 2005:

- Western Long Island Sound
- Central Long Island Sound

Selected by USACE in 1990s, scheduled
to close December 2016:

- Cornfield Shoals
- New London





EPA's Role in Dredging

- Designate ocean dredged material disposal sites for long-term use (following EPA's voluntary NEPA policy to prepare an EIS).
- Promulgate regulations and criteria for disposal site selection and permitting discharges.
- Review USACE dredging projects and permits.
- Develop site monitoring/management plans (SMMP).
- Monitor disposal sites jointly with USACE.



Long Island Sound Environmental Impact Statement

- 1998 – EPA and USACE agree to co-lead site designation process under MPRSA and NEPA:
 - USACE provides funding
 - EPA provides technical assistance
- June 1999 – EPA and USACE initiate EIS to evaluate and potentially designate dredged material disposal sites for entire LIS region.
- 1999-2001 Scoping and field work to collect data for entire LIS region.



Long Island Sound Environmental Impact Statement

- March 2002 – EPA and USACE decide to focus EIS effort initially on central and western LIS regions, with plan to address eastern LIS upon completion of that effort.
- September 2003 – EPA issues draft EIS for public comments and holds public hearings.
- April 2004 – EPA and USACE complete EIS recommending designation of CLDS and WLDS disposal sites, initiates final rulemaking.



Long Island Sound Environmental Impact Statement

- June 2004 – NYS DOS objects to proposed federal action as inconsistent with CZM Program.
- September 2004-May 2005 – EPA, USACE, NOAA, NY and CT negotiate conditions to site designation rule so NY can withdraw its objection.



Long Island Sound Environmental Impact Statement

- June 2005 – EPA publishes final rulemaking to designate CLDS and WLDS with conditions which, if not met, will result in sites closing, including:
 - Completion by USACE of a regional dredged material management plan (DMMP) for Long Island Sound.
 - Formation of a Long Island Sound Regional Dredging Team to review alternative analyses for federal and large private dredging projects.
 - Annual report by EPA on progress toward completion of the DMMP.



Dredged Material Disposal Summary 2006-2014

	NLDS	CSDS	CLDS	WLDS	Totals
2006	0	0	208,410	15,550	223,960
2007	369,635	9,470	64,970	3,600	447,675
2008	0	11,300	24,575	24,135	60,010
2009	0	197,035	559,760	6,950	763,745
2010	0	7,000	277,474	11,950	296,424
2011	0	41,460	84,940	28,910	155,310
2012	0	31,500	84,500	27,008	143,008
2013	19,100	72,600	122,600	41,400	255,700
2014	0	21,950	1,219,344	35,000	1,276,294
Avg. (1982 - 2004)	133,459	56,348	348,682	81,344	619,833
Avg. (2006 - 2014)	43,193	43,591	294,064	21,611	402,458
Difference	-90,266	-12,757	-54,618	-59,733	-217,375
% Reduction in Use	68%	23%	16%	73%	35%



(Transition to Corps
presentations)

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Central and Western LIS Dredged Material Disposal Sites

On June 5, 2005, EPA published the final rule to designate CLDS and WLDS with conditions intended to reduce or eliminate open-water disposal :

- Required completion of a regional dredged material management plan (DMMP) for Long Island Sound.
- Established a Long Island Sound Regional Dredging Team to review alternatives analyses for federal and large private dredging projects during DMMP preparation.
- EPA is to propose and finalize, within 120 days of DMMP completion, amendments to the 2005 rule describing procedures and standards that must be complied with.



Central and Western LIS Dredged Material Disposal Sites

- On February 10, 2016, EPA published amendments to the 2005 rule for the CLDS and WLDS in the Federal Register.
- EPA is seeking public comment provided in person at the two public hearings or in writing through March 25, 2016.

Central and Western LIS Dredged Material Disposal Sites

The amendments to the rule are intended to support the goal of reducing or eliminating open-water disposal by establishing “standards and procedures” that:

- encourage the identification, development, and use of practicable alternatives to open-water disposal, and
- require large dredging project proponents to thoroughly evaluate such alternatives.



Standards and Procedures for Using the Central and Western LIS Sites

Standards:

- Unsuitable material shall not be disposed at the sites.
- Sandy material should be used beneficially wherever practicable.
- For fine grained material, proponents must thoroughly evaluate – and use if available – practicable alternatives before open-water disposal will be considered.



Standards and Procedures for Using the Central and Western LIS Sites

Standards (continued):

- Federal, state, and local government will continue to exercise existing authorities to reduce the flow of sediments and contaminants into waterways.
- Retains current restriction requiring that practicable alternatives must be used if available. Recognizes that additional cost burden may exist.



Standards and Procedures for Using the Central and Western LIS Sites

Procedures:

Establishes an interagency Long Island Sound Regional Dredging Team (LIS RDT) that will:

- Ensure all large dredging projects conduct a thorough alternatives analysis and encourage the use of practicable alternatives .
- Proactively develop and promote alternatives.
- Assist EPA and USACE with long-term tracking of dredged material placement and disposal site monitoring.



Standards and Procedures for Using the Central and Western LIS Sites

Procedures (continued):

The Long Island Sound Regional Dredging Team:

- Geographic scope includes all of Long Island Sound.
- Membership includes representatives from federal and state government agencies with expertise in dredging and dredged material management.
- Structure and process determined by LIS RDT.
- Encourages cooperative working relationships with other Long Island Sound-based organizations.



Other Rule Amendments

Prior restriction retained:

- Parties may petition EPA if they are not satisfied that the amended rule adopts procedures and standards recommended in the DMMP.

Prior restrictions eliminated:

- Those requiring the completion of the LIS DMMP. The LIS DMMP and PEIS were completed on January 11, 2016.



Next Steps

EPA is seeking public comment:

- Provided in person at the public hearings, or
- In writing, submitted to CLDS@epa.gov or Perkins.Stephen@epa.gov.
- Comments must be received by March 25, 2016.
- EPA is required by the 2005 rule (regulation) to publish its final rule amendments by May 10, 2016.

