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Part V

Environmental Protection Agency

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40 CFR Part 228

Ocean Dumping Regulations: Ocean Dumping Site Correction and Reorganization; Final Rule
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-4885-2]
RIN 2040-AB63

Ocean Dumping Regulations: Ocean Dumping Site Correction and Reorganization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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SUMMARY: The Environmental Protection Agency is revising the regulations containing the list of EPA designated ocean dumping sites. This rule reorganizes the way in which the sites are printed in the Code of Federal Regulations, eliminates listings of expired or terminated sites, eliminates listings of sites which lie landward of the baseline of the territorial sea, corrects technical errors in the list of ocean dumping sites, and makes conforming technical changes to the regulations. These changes are not substantive in nature, and are needed to improve the clarity and accuracy of the list of ocean dumping sites. In addition to these clarifying changes, this rule de-designates

the Cellar Dirt Site in the New York Bight and the Newburyport, MA, dredged material site. Those sites are no longer being used and there is no demonstrable need for their use in the future.

EFFECTIVE DATE: December 29, 1994.

ADDRESSES: Send written comments on the final rule to the Ocean Dumping Comment Clerk, Water Docket, MC 4101, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Susan Hitch at (202) 260-9178, Office of Wetlands, Oceans, and Watersheds (4504F), 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

Background

Title I of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1401 et seq., (hereinafter referred to as ``the Act'' or ``the MPRSA'') regulates the ocean dumping and transportation of material for purposes of ocean dumping. Environmental Protection Agency (EPA) regulations implementing the Act are set forth at 40 CFR parts 220 through 229.

With few exceptions, the MPRSA prohibits the transportation of material from the United States for the purpose of ocean dumping except as may be authorized by a permit issued under the MPRSA. The Act divides permitting responsibility between EPA and the US Army Corps of Engineers (COE). Under section 102 of the Act, EPA is assigned permitting authority for non-dredged material. For dredged material, section 103 of the Act assigns permitting responsibility to the COE, subject to EPA review and approval.

The Act also provides that EPA may designate recommended times and sites for ocean dumping (MPRSA section 102(c)), and 103 of the Act further provides that the COE is to use such EPA designated sites to the extent feasible. Where use of an EPA designated site is not feasible, the COE may select a disposal site as part of an MPRSA permitting action. EPA's ocean dumping regulations (40 CFR 228.4(b)) provide that the designation of an ocean dumping site is accomplished by promulgation in part 228 specifying the site.

Today's rule makes a number of changes with regard to the organization and contents of the list of ocean dumping sites as compared to the list published in the most recent (1992) Code of Federal Regulations (CFR). Proposal of these changes appeared on June 9, 1993, in 58 FR 32322. The preamble to that proposal explained the basis for the changes and included a table (Table 1) detailing proposed changes as to individual sites. The organizational changes are intended to improve the clarity of the regulations and are not intended to make any substantive changes.

Today's rule also de-designates the Cellar Dirt Site in the New York Bight and the Newburyport, MA, dredged material site by omitting them from this list of sites. While this is a substantive change to the regulations, these sites are no longer being used and there is no demonstrable need for them in the future.

Changes from Proposed Rule

Only one public comment was received in response to the proposed rule, which corrected the second coordinate for the location of Sabine-Neches, TX, Dredged Material Site 1. The proposed coordinates were listed in the proposal as 29 deg.26'11''N. and 93 deg.41'11''N. The correct coordinates are 29 deg.26'11''N., and 93 deg.41'14'' This change has been made in today's final rule.

The Norfolk, VA, (58 FR 35884), the Massachusetts Bay, MA, (58 FR

42496), Fort Pierce, FL, (58 FR 46544), and San Francisco Deepwater, CA (59 FR 41243) dredged material sites received final designation subsequent to the June 1993 proposal. Because these sites are now finally designated, they have been included in the list of approved sites in today's final rule. Addition of these sites is not a substantive change, but merely reflects separate rulemaking that has taken place since the June 9, 1993 proposal.

Finally, subsequent to publication of the proposed rule, the coordinates for the Matagorda, TX, dredged material site were modified (58 FR 64498) to allow use of deeper draft dredging equipment. This change also is reflected in today's final rule.

In addition, some corrections to site coordinates and one depth measurement were made to confrom to previous Federal Register rulemaking. These changes are as follows:

1. Cape Arundel, ME
Proposed: 43 deg.18'02'' N., 70 deg.27'09'' W. corrected to: 43 deg.17'45'' N., 70 deg.27'12'' W.
2. Absecon Inlet, NJ
Proposed: 39 deg.20'03'' N. corrected to: 39 deg.20'30'' N.
3. Georgetown Harbor, SC
Proposed 33 deg.1'18'' N., corrected to 33 deg.11'18'' N.
Proposed 33 deg.0'38'' N., corrected to 33 deg.10'38'' N.
4. Pascagoula, MS
Proposed depth 48 feet corrected to 46 feet.
5. Sabine-Neches, TX, Site 1
Proposed 29 deg.26'11'' N., 93 deg.41'11'' W., corrected to 20 deg.26'11'' N., 93 deg.41'14'' W.

Compliance With Other Laws and Executive Orders

1. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ``significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ``significant regulatory action'' as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely and materially effecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; and

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a ``significant regulatory action'' under the terms of Executive Order 12866, and is therefore not subject to OMB review.

2. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 et seq., is intended to minimize the reporting and record keeping burden on the regulated community as well as minimize the cost of Federal information collection and dissemination. In general, the Act requires that information requests and record keeping requirements affecting 10 or more non-Federal respondents be approved by the Office of Management and Budget. Since today's rule would not establish or modify any information and record keeping requirements, it is not subject to the

requirements of the Paperwork Reduction Act.

3. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., EPA must prepare a Regulatory Flexibility Analysis for regulations having a significant impact on a substantial number of small entities. The RFA recognizes three kinds of small entities and defines them as follows:

(1) Small governmental jurisdictions--any government of a district with a population of less than 50,000.

(2) Small business--any business which is independently owned and operated and not dominant in its field as defined by Small Business Administration regulations under section 3 of the Small Business Act.

(3) Small organization--any not-for-profit enterprise that is independently owned and operated and not dominant in its field.

The changes included in today's rule do not impose economic burdens. Accordingly, EPA has determined that today's rule would not have a significant impact on a substantial number of small entities and that a Regulatory Flexibility Analysis therefore is unnecessary.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Dated: October 25, 1994.
Carol Browner,
Administrator, Environmental Protection Agency.

For the reasons set out in the preamble, part 228 of title 40 of the Code of Federal Regulations is amended as follows:

PART 228--[AMENDED]

1. The authority citation for part 228 continues to read as follows:

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

Sec. 228.3 [Amended]

2. Section 228.3(b) is amended in the first sentence by revising the phrase ``continuing use'' to read ``final''.

Sec. 228.12 [Removed and Reserved]

3. Section 228.12 is removed and reserved.

4. Part 228 is amended by adding Secs. 228.14 and 228.15 to read as follows:

Sec. 228.14 Dumping sites designated on an interim basis.

(a)(1) The sites identified in this section are approved for dumping the indicated materials on an interim basis pending completion of baseline or trend assessment surveys and final designation or termination of use. Unless otherwise specifically provided in the entry for a particular site, such interim use sites are available indefinitely pending completion of the present studies and determination of the need for the continuing use of these sites, the completion of any necessary studies, and evaluation of their suitability. Designation studies for particular sites within this group

will begin as soon as feasible after the completion of nearby sites presently being studied. The sizes and use specifications are based on historical usage and do not necessarily meet the criteria stated in this part.

(2) Unless otherwise specifically noted, site management authority for each site set forth in this section is delegated to the EPA Regional office under which the site entry is listed.

(3) Unless otherwise specifically noted, all ocean dumping site coordinates are based upon the North American Datum of 1927.

(b) Region I Interim Dredged Material Sites.

(1) Cape Arundel, ME.

(i) Location: 43 deg.17'45''N., 70 deg.27'12''W. (500 yds. diameter).

(ii) [Reserved]

(c) Region I Interim Other Wastes Sites.

(1) No interim sites.

(2) [Reserved]

(d) Region II Interim Dredged Material Sites.

(1) No interim sites.

(2) [Reserved]

(e) Region II Interim Other Wastes Sites.

(1) Incineration of Wood, NY/NJ.

(i) Location: 40 deg.00'00''N. to 40 deg.04'20''N.; 73 deg.41'00''W. to 73 deg.38'10''W.

(ii) [Reserved]

(2) [Reserved]

(f) Region III Interim Dredged Material Sites.

(1) No interim sites.

(2) [Reserved]

(g) Region III Interim Other Wastes Sites.

(1) No interim sites.

(2) [Reserved]

(h) Region IV Interim Dredged Material Sites.

(1) Port Royal Harbor North, SC.

(i) Location: 32 deg.10'11''N., 80 deg.36'00''W.; 32 deg.10'06''N., 80 deg.36'35''W.; 32 deg.08'38''N., 80 deg.36'23''W.; 32 deg.08'41''N., 80 deg.35'49''W.

(ii) [Reserved]

(2) Port Royal Harbor South, SC.

(i) Location: 32 deg.05'46''N., 80 deg.35'30''W.; 32 deg.05'42''N., 80 deg.36'27''W.; 32 deg.04'22''N., 80 deg.36'16''W.; 32 deg.04'27''N., 80 deg.35'18''W.

(ii) [Reserved]

(3) Palm Beach Harbor West, FL.

(i) Location: 26 deg.46'10''N., 80 deg.02'00''W.; 26 deg.45'54''N., 80 deg.02'06''W.; 26 deg.45'54''N., 80 deg.02'13''W.; 26 deg.46'10''N., 80 deg.02'07''W.

(ii) [Reserved]

(4) Palm Beach Harbor East, FL.

(i) Location: 26 deg.46'00''N., 79 deg.58'55''W.; 26 deg.46'00''N., 79 deg.57'47''W.; 26 deg.45'00''N., 79 deg.57'47''W.; 26 deg.45'00''N., 79 deg.58'55''W.

(ii) [Reserved]
(5) Port Everglades Harbor, FL.

(i) Location: 26 deg.07'00''N., 80 deg.04'30''W.; 26 deg.07'00''N., 80 deg.03'30''W.; 26 deg.06'00''N., 80 deg.03'30''W.; 26 deg.06'00''N., 80 deg.04'30''W.

(ii) [Reserved]
(6) Miami Beach, FL.

(i) Location: 25 deg.45'30''N., 80 deg.03'54''W.; 25 deg.45'30''N., 80 deg.02'50''W.; 25 deg.44'30''N., 80 deg.02'50''W.; 25 deg.44'30''N., 80 deg.03'54''W.

(ii) [Reserved]
(7) Charlotte Harbor, FL.

(i) Location: 26 deg.37'36''N., 82 deg.19'55''W.; 26 deg.37'36''N., 82 deg.18'47''W.; 26 deg.36'36''N., 82 deg.18'47''W.; 26 deg.36'36''N., 82 deg.19'55''W.

(ii) [Reserved]
(8) Port St. Joe South, FL.

(i) Location: 29 deg.50.9'N., 85 deg.29.9'W.; 29 deg.51.3'N., 85 deg.29.5'W.; 29 deg.49.2'N., 85 deg.28.2'W.; 29 deg.49.0'N., 85 deg.28.8'W.

(ii) [Reserved]
(9) Port St. Joe North, FL.

(i) Location: 29 deg.53.9'N., 85 deg.31.8'W.; 29 deg.54.1'N., 85 deg.31.3'W.; 29 deg.52.2'N., 85 deg.30.1'W.; 29 deg.52.2'N., 85 deg.30.8'W.

(ii) [Reserved]
(10) Panama City, FL.

(i) Location: 30 deg.07.1'N., 85 deg.45.9'W.; 30 deg.07.2'N., 85 deg.45.5'W.; 30 deg.06.9'N., 85 deg.45.1'W.; 30 deg.06.7'N., 85 deg.45.6'W.

(ii) [Reserved]
(i) Region IV Interim Other Wastes Sites.
(1) No interim sites.
(2) [Reserved]
(j) Region VI Interim Dredged Material Sites.
(1) Mississippi River, Baton Rouge to the Gulf of Mexico, LA--South Pass.
(1) Description and location: Maintaince dredging disposal area 0.5 mile square, parallel to the channel and located on the west side. Beginning at 28 deg.58'33''N. and 89 deg.07'00''W., following channel centerline (azimuth 295 deg.41') of the Gulf entrance channel to 28 deg.58'24''N. and 89 deg.06'30''W., thence to 28 deg.57'54''N. and 89 deg.06'42''W., thence to 28 deg.58'06''N. and 89 deg.07'18''W., thence to the point of beginning.
(ii) [Reserved]
(2) Mississippi River Outlets, Venice, LA--Tiger Pass.
(i) Description and location: Maintenance dredging disposal area 0.5 mile wide by 2.5 miles long, parallel and adjacent to the channel and located on the south side. Beginning at 29 deg.08'24''W. and 89 deg.25'35''N. following 270 deg. azimuth to 29 deg.08'24''W. and 89 deg.28'05''N., thence to 29 deg.07'54''W. and 89 deg.28'05''N., thence to 29 deg.07'54''W. and 89 deg.25'35''N., thence to the point of

beginning.
(ii) [Reserved]
(3) Waterway from Empire, LA to the Gulf of Mexico--Bar channel.
(i) Description and location: Maintenance dredging disposal area 0.5 mile wide by 1 mile long, parallel to the channel and located on the west side. Beginning at 29 deg.15'06''N. and 89 deg.36'30''W., following channel centerline (azimuth 11 deg.08') of the gulf entrance channel to 29 deg.14'30''N. and 89 deg.36'36''W., thence to 29 deg.14'36''N. and 89 deg.36'48''W., thence to 29 deg.15'12''N. and 89 deg.36'42''W., thence to the point of beginning.
(ii) [Reserved]
(4) Bayou Lafourche and Lafourche--Jump Waterway, LA--Bell Pass.
(i) Description and location: Maintenance dredging disposal area 2,000 feet wide by 1.5 miles long, parallel to the channel and located on the west side. Beginning at 29 deg.05'00''N. and 90 deg.13'45''W., following Bell Pass centerline (azimuth 12 deg.55') in the gulf entrance channel to 29 deg.03'51''N., and 90 deg.14'06''W., thence to 29 deg.03'57''N. and 90 deg.14'21''W., thence to 29 deg.05'06''N. and 90 deg.14'03''W., thence to the point of beginning.
(ii) [Reserved]
(5) Atchafalaya River--Morgan City to the Gulf of Mexico, LA and Atchafalaya River and Bayous Chene, Boeuf and Black, LA--Bar channel.
(i) Description and location: Maintenance dredging disposal area 0.5 mile wide by 12 miles long, parallel to the bar channel and located on the east side. Beginning at 29 deg.20'50''N. and 91 deg.24'03''W., following channel centerline (azimuth 37 deg.57') of the gulf entrance channel to 29 deg.11'35''N. and 91 deg.32'10''W., thence to 29 deg.11'21''N. and 91 deg.31'37''W., thence to 29 deg.20'36''N. and 91 deg.23'27''W., thence to the point of beginning.
(ii) [Reserved]
(6) Mermentau River, LA, Disposal Area ``A''.
(i) Description and location: Maintenance dredging disposal area 0.5 mile wide and 1.5 miles long, parallel to the entrance channels in the Lower Mermentau River and in the Lower Mud Lake, both located on the west side: Beginning at 28 deg.44'48''N. and 93 deg.07'12''W., following channel centerline (azimuth 256 deg.59') of the gulf entrance to 29 deg.43'39''N. and 93 deg.07'36''W., thence to 29 deg.43'42''N. and 93 deg.07'48''W., thence to 29 deg.44'51''N. and 93 deg.07'24''W., thence to the point of beginning.
(ii) [Reserved]
(7) Mermentau River, LA, Disposal Area ``B''.
(i) Description and location: Maintenance dredging disposal area 0.5 mile wide by 1.5 miles long, parallel to the entrance channels in the Lower Mermentau River in the Lower Mud Lake, both located on the west side: Beginning at 29 deg.43'24''N. and 93 deg.01'54''W., following channel centerline (azimuth 359 deg.50') of the gulf centerline to 29 deg.42'33''N. and 93 deg.02'12''W., thence to 29 deg.42'36''N. and 93 deg.02'24''W., thence to 29 deg.43'36''N. and 93 deg.02'06''W., thence to the point of beginning.
(ii) [Reserved]
(8) Freshwater Bayou, LA--Bar channel.
(i) Description and location: Maintenance dredging disposal area 2,000 feet wide by 3.5 miles long, parallel to the channel and located on the west side. Beginning at 29 deg.32'00''N. and 92 deg.18'48''W., following channel centerline (azimuth 09 deg.25') of the gulf entrance to 29 deg.28'24''N. and 92 deg.19'30''W., thence to 29 deg.28'25''N. and 92 deg.19'42''W., thence to 29 deg.32'01''N. and 92 deg.19'00''W., thence to the point of beginning.
(ii) [Reserved]
(k) Region VI Interim Other Wastes Sites.
(1) No interim sites.
(2) [Reserved]
(l) Region IX Interim Dredged Material Sites.
(1) Newport Beach, CA (LA-3).

(i) Location: 33 deg.31'42''N., 117 deg.54'48''W. (1,000 yd. radius).
(ii) [Reserved]
(2) Port Hueneme, CA (LA-1).
(i) Location: 34 deg.05'00''N., 119 deg.14'00''W. (1,000 yd. radius).
(ii) [Reserved]
(3) Crescent City Harbor, CA (SF-1).
(i) Location: 41 deg.43'15''N., 124 deg.12'10''W. (1,000 yd. diameter).
(ii) [Reserved]
(4) Noyo River, CA (SF-5).
(i) Location: 39 deg.25'45''N., 123 deg.49'42''W. (500 yd. diameter).
(ii) [Reserved]
(5) Guam--Apra Harbor.
(i) Location: 13 deg.29'30''N., 144 deg.34'30'' E. (1,000 yd. radius)
(ii) [Reserved]
(m) Region IX Interim Other Wastes Sites.
(1) No interim sites.
(2) [Reserved]
(n) Region X Interim Dredged Material Sites.
(1) Rogue River Entrance, OR.

(i) Location: 42 deg.24'16''N., 124 deg.26'48''W.; 42 deg.24'04''N., 124 deg.26'35''W.; 42 deg.23'40''N., 124 deg.27'13''W.; 42 deg.23'52''N., 124 deg.27'26''W.

(ii) [Reserved]
(2) Port Orford, OR.

(i) Location: 42 deg.44'08''N., 124 deg.29'38''W.; 42 deg.44'08''N., 124 deg.29'28''W.; 42 deg.43'52''N., 124 deg.29'28''W.; 42 deg.43'52''N., 124 deg.29'38''W.

(ii) [Reserved]
(3) Umpqua River Entrance, OR.

(i) Location: 43 deg.40'07''N., 124 deg.14'18''W.; 43 deg.40'07''N., 124 deg.13'42''W.; 43 deg.39'53''N., 124 deg.13'42''W.; 43 deg.39'53''N., 124 deg.14'18''W.

(ii) [Reserved]
(4) Siuslaw River Entrance, OR.

(i) Location: 44 deg.01'32''N., 124 deg.09'37''W.; 44 deg.01'22''N., 124 deg.09'02''W.; 44 deg.01'14''N., 124 deg.09'07''W.; 44 deg.01'24''N., 124 deg.09'42''W.

(ii) [Reserved]
(5) Yaquina Bay and Harbor Entrance, OR.

(i) Location: 44 deg.36'31''N., 124 deg.06'4''W.; 44 deg.36'31''N., 124 deg.05'16''W.; 44 deg.36'17''N., 124 deg.05'16''.; 44 deg.36'17''N., 124 deg.06'04''W.
(ii) [Reserved]
(6) Tillamook Bay Entrance, OR.

(i) Location: 45 deg.34#09##N., 123 deg.59#37##W.; 45 deg.34'09''N., 123 deg.58'45''W.; 45 deg.33'55''N., 123 deg.58'45''W.; 45 deg.33'55''N., 123 deg.59'37''W.

(ii) [Reserved]

(7) Willapa Bay, WA.

(i) Location: 46 deg.44'00''N., 124 deg.10'00''W.; 46 deg.39'00''N., 124 deg.09'00''W.

(ii) [Reserved]
(o) Region X Interim Other Wastes Sites.
(1) No interim sites.
(2) [Reserved]

Sec. 228.15 Dumping sites designated on a final basis.

(a)(1) The sites identified in this section are approved for dumping the indicated materials. Designation of these sites was based on environmental studies conducted in accordance with the provisions of this part 228, and the sites listed in this section have been found to meet the site designation criteria of Secs. 228.5 and 228.6.
(2) Unless otherwise specifically noted, site management authority for each site set forth in this section is delegated to the EPA Regional office under which the site entry is listed.
(3) Unless otherwise specifically noted, all ocean dumping site coordinates are based upon the North American Datum of 1927.
(b) Region I Final Dredged Material Sites.
(1) Portland, Maine, Dredged Material Disposal Site.

(i) Location: 43 deg.33'36''N., 70 deg.02'42''W.; 43 deg.33'36''N., 70 deg.01'18''W.; 43 deg.34'36''N., 70 deg.02'42''W.; 43 deg.34'36''N., 70 deg.01'18''W.

(ii) Size: One square nautical mile.
(iii) Depth: 50 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material.
(2) Massachusetts Bay Disposal Site.

(i) Location: Center coordinates (NAD 1983) 42 deg.25.1' north latitude, 70 deg.35.0' west latitude.

(ii) Size: 2 nautical mile diameter.
(iii) Depth: Average 90 meters.
(iv) Exclusive Use: Dredged material.
(v) Period of Use: Continuing.
(vi) Restriction: Disposal shall be limited to dredged material which meets the requirements of the MPRSA and its accompanying regulations. Disposal-and-capping is prohibited at the MBDS until its efficacy can be effectively demonstrated.
(c) Region I Final Other Wastes Sites.
(1) No final sites.
(2) [Reserved]
(d) Region II Final Dredged Material Sites.
(1) Fire Island Inlet, Long Island, New York Dredged Material Disposal Site.

(i) Location: 40 deg.36'49''N., 73 deg.23'50''W.; 40 deg.37'12''N., 73 deg.21'30''W.; 40 deg.36'41''N., 73 deg.21'20''W.; 40 deg.36'10''N., 73 deg.23'40''W.

(ii) Size: Approximately 1.09 square nautical miles.
(iii) Depth: Ranges from 7 to 10 meters.
(iv) Primary Use: Dredged material disposal.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material

from Fire Island Inlet, Long Island, New York.

(2) Jones Inlet, Long Island, New York Dredged Material Disposal Site.

(i) Location: 40 deg.34#32##N., 73 deg.39#14##W.; 40 deg.34#32##N., 73 deg.37#06##W.; 40 deg.33#48##N., 73 deg.37#06##W.; 40 deg.33#48##N., 73 deg.39#14##W.

(ii) Size: Approximately 1.19 square nautical miles.

(iii) Depth: Ranges from 7 to 10 meters.

(iv) Primary use: Dredged material disposal.

(v) Period of use: Continuing use.

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

(3) East Rockaway Inlet, Long Island NY Dredged Material Disposal Site.

(i) Location: 40 deg.34'36''N., 73 deg.49'00''W.; 40 deg.35'06''N., 73 deg.47'06''W.; 40 deg.34'10''N., 73 deg.48'#6''W.; 40 deg.34'12''N., 73 deg.47'17''W.

(ii) Size: Approximately 0.81 square nautical miles.

(iii) Depth: Ranges from 6 to 9 meters.

(iv) Primary use: Dredged material disposal.

(v) Period of use: Continuing use.

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

(4) Rockaway Inlet, Long Island, New York Dredged Material Disposal Site.

(i) Location: 40 deg.32'30''N., 73 deg.55'00''W.; 40 deg.32'30''N., 73 deg.54'00W''; 40 deg.32'00''N., 73 deg.54'00''W.; 40 deg.32'00''N., 73 deg.55'00''W.

(ii) Size: Approximately 0.38 square nautical miles.

(iii) Depth: Ranges from 8 to 11 meters.

(iv) Primary use: Dredged material disposal.

(v) Period of use: Continuing use.

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

(5) Shark River, New Jersey Dredged Material Disposal Site.

(i) Location: 40 deg.12'48''N., 73 deg.59'45''W.; 40 deg.12'44''N., 73 deg.59'06''W.; 40 deg.11'36''N., 73 deg.59'28''W.; 40 deg.11'42''N., 74 deg.00'12''W.

(ii) Size: Approximately 0.6 square nautical miles.

(iii) Depth: Approximately 12 meters.

(iv) Primary use: Dredged material disposal.

(v) Period of use: Continuing use.

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

(6) New York Bight Dredged Material Disposal Site (Mud Dump).

(i) Location: 40 deg.23'48''N., 73 deg.51'28''W.; 40 deg.21'48''N., 73 deg.50'00''W.; 40 deg.21'48''N., 73 deg.51'28''W.; 40 deg.23'48''N., 73 deg.50'00''W.

(ii) Size: 2.2 square nautical miles.

(iii) Depth: Ranges from 16 to 29 meters.

(iv) Use Restricted to Disposal of: Dredged materials.

(v) Period of Use: Continuing use, subject to volumetric restriction as noted paragraph (d)(6)(vi) of this section.

(vi) Restriction: Disposal shall be limited to 100 million cubic

yards of dredged materials generated in the Port of New York and New Jersey and nearby harbors. Dumping within the area described by the following coordinates shall be limited to projects determined by the Corps and EPA to demonstrate a specific need, such as research or final capping. 40 deg.23'48''N., 73 deg.51'28''W.; 40 deg.23'23''N., 73 deg.51'28''W.; 40 deg.23'23''N., 73 deg.51'06''W.; 40 deg.23'48''N., 73 deg.51'06''W. Dumping in the southeast quadrant of the site shall not be authorized except as part of a research project on capping.

(7) Manasquan, New Jersey Dredged Material Disposal Site.

(i) Location: 40 deg.06'36''N., 74 deg.01'34''W.; 40 deg.06'19''N., 74 deg.01'39''W.; 40 deg.06'18''N., 74 deg.01'53''W.; 40 deg.06'41''N., 74 deg.01'51''W.

(ii) Size: Approximately 0.11 square nautical miles.

(iii) Depth: Approximately 18 meters.

(iv) Primary Use: Dredged material disposal.

(v) Period of Use: Continuing use.

(vi) Restrictions: Disposal shall be limited to dredged material from Manasquan Inlet, New Jersey.

(8) Absecon Inlet, NJ Dredged Material Disposal Site.

(i) Location: 39 deg.20'39''N., 74 deg.18'43''W.; 39 deg.20'30''N., 74 deg.18'25''W.; 39 deg.20'03''N., 74 deg.18'43''W.; 39 deg.20'12''N., 74 deg.19'01''W.

(ii) Size: Approximately 0.28 square nautical miles.

(iii) Depth: Approximately 17 meters.

(iv) Primary Use: Dredged material disposal.

(v) Period of Use: Continuing use.

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

(9) Cold Spring Inlet, NJ Dredged Material Disposal Site.

(i) Location: 38 deg.55'52''N., 74 deg.53'04''W.; 38 deg.55'37''N., 74 deg.52'55''W.; 38 deg.55'23''N., 74 deg.53'27''W.; 38 deg.55'36''N., 74 deg.53'36''W.

(ii) Size: Approximately 0.13 square nautical miles.

(iii) Depth: Approximately 9 meters.

(iv) Primary Use: Dredged material disposal.

(v) Period of Use: Continuing use.

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

(10) San Juan Harbor, PR, Dredged Material Site.

(i) Location: 18 deg.30'10''N., 66 deg.09'31''W.; 18 deg.30'10''N., 66 deg.08'29''W.; 18 deg.31'10''N., 66 deg.08'29''W.; 18 deg.31'10''N., 66 deg.09'31''W.

(ii) Size: 0.98 square nautical mile.

(iii) Depth: Ranges from 200 to 400 meters.

(iv) Primary Use: Dredged material.

(v) Period of Use: Continuing use.

(vi) Restriction: Disposal shall be limited to dredged material from the Port of San Juan, Puerto Rico, and coastal areas within 20 miles of said port entrance.

(11) Arecibo Harbor, PR Dredged Material Disposal Site.

(i) Location: 18 deg.31'00'' N., 66 deg.43'47'' W.; 18 deg.31'00'' N., 66 deg.42' 45'' W.; 18 deg.30'00'' N., 66 deg.42'45'' W.; 18 deg.30'00'' N., 66 deg.43'47'' W.

(ii) Size: Approximately 1 square nautical mile.

(iii) Depth: Ranges from 101 to 417 meters.
(iv) Primary Use: Dredged material disposal.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from Arecibo Harbor, PR.
(12) Mayaguez Harbor, PR Dredged Material Disposal Site.

(i) Location: 18 deg.15'30'' N., 67 deg.16'13'' W.; 18 deg.15'30'' N., 67 deg.15'11'' W.; 18 deg.14'30'' N., 67 deg.15'11'' W.; 18 deg.14'30'' N., 67 deg.16'13'' W.

(ii) Size: Approximately 1 square nautical mile.
(iii) Depth: Ranges from 351 to 384 meters.
(iv) Primary Use: Dredged material disposal.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from Mayaguez Harbor, PR.
(13) Ponce Harbor, PR Dredged Material Disposal Site.

(i) Location: 17 deg.54'00'' N., 66 deg.37'43'' W.; 17 deg.54'00'' N., 66 deg.36'41'' W.; 17 deg.53'00'' N., 66 deg.36'41'' W.; 17 deg.53'00'' N., 66 deg.37'43'' W.

(ii) Size: Approximately 1 square nautical mile.
(iii) Depth: Ranges from 329 to 457 meters.
(iv) Primary Use: Dredged material disposal.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from Ponce Harbor, PR.
(14) Yabucoa Harbor, PR Dredged Material Disposal Site.

(i) Location: 18 deg.03'42'' N., 65 deg.42'49'' W.; 18 deg.03'42'' N., 65 deg.41'47'' W.; 18 deg.02'42'' N., 65 deg.41'47'' W.; 18 deg.02'42'' N., 65 deg.42'49'' W.

(ii) Size: Approximately 1 square nautical mile.
(iii) Depth: Ranges from 549 to 914 meters.
(iv) Primary Use: Dredged material disposal.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from Yabucoa Harbor, PR.
(e) Region II Final Other Wastes Sites.
(1) No final sites.
(2) [Reserved]
(f) Region III Final Dredged Material Sites.
(1) Dam Neck, Virginia, Dredged Material Disposal Site.

(i) Location: 36 deg.51'24.1'' N., 75 deg.54'41.4'' W.; 36 deg.51'24.1'' N., 75 deg.53'02.9'' W.; 36 deg.50'52.0'' N., 75 deg.52'49.0'' W.; 36 deg.46'27.4'' N., 75 deg.51'39.2'' W.; 36 deg.46'27.5'' N., 75 deg.54'19.0'' W.; 36 deg.50'05.0'' N., 75 deg.54'19.0'' W.

(ii) Size: 8 square nautical miles.
(iii) Depth: Averages 11 meters.
(iv) Primary Use: Dredged Material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the mouth of Chesapeake Bay.
(2) Norfolk, VA, Dredged Material Disposal Site.

(i) Location: Center point: Latitude--36 deg.59'00'' N., Longitude--75 deg.39'00'' W.

(ii) Size: Circular with a radius of 7.4 kilometers (4 nautical miles).
(iii) Depth: Ranges from 13.1 to 26 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restrictions: Site shall be limited to suitable dredged material which passed the criteria for ocean dumping.
(g) Region III Final Other Wastes Sites.
(1) No final sites.
(2) [Reserved].
(h) Region IV Final Dredged Material Sites.
(1) Morehead City, NC Dredged Material Disposal Site.

(i) Location: 34 deg.38'30'' N., 76 deg.45'0'' W.; 34 deg.38'30'' N., 76 deg.41'42'' W.; 34 deg.38'09'' N., 76 deg.41'0'' W.; 34 deg.36'0'' N., 76 deg.41'0'' W.; 34 deg.36'0'' N., 76 deg.45'0'' W.

(ii) Size: 8 square nautical miles.
(iii) Depth: Average 12.0 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Morehead City Harbor, North Carolina area. All material disposed must satisfy the requirements of the ocean dumping regulations.
(2) Wilmington, NC Dredged Material Disposal Site.

(i) Location: 33 deg.49'30'' N., 78 deg.03'06'' W.; 33 deg.48'18'' N., 78 deg.01'39'' W.; 33 deg.47'19'' N., 78 deg.02'48'' W.; 33 deg.48'30'' N., 78 deg.04'16'' W.

(ii) Size: 2.3 square nautical miles.
(iii) Depth: Averages 13 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to the dredged material from Wilmington Harbor area.
(3) Georgetown Harbor; Georgetown, South Carolina: Ocean Dredged Material Disposal Site.

(i) Location: 33 deg.11'18'' N., 79 deg.07'20'' W.; 33 deg.11'18'' N., 79 deg.05'23'' W.; 33 deg.10'38'' N., 79 deg.05'24'' W.; 33 deg.10'38'' N., 79 deg.07'21'' W.

(ii) Size: 1 square nautical mile.
(iii) Depth: 6 to 11 meter range.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to suitable dredged material from the greater Georgetown, South Carolina, area.
(4) Charleston, SC Dredged Material Disposal Site.

(i) Location: 32 deg.40'27''N., 79 deg.47'22''W.; 32 deg.39'04''N., 79 deg.44'25''W.; 32 deg.38'07''N., 79 deg.45'03''W.; 32 deg.39'30''N., 79 deg.48'00''W.

(ii) Size: 3 square nautical miles.
(iii) Depth: Averages 11 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Charleston Harbor area.
(5) Charleston, SC Harbor Deepening Project Dredged Material

Disposal Site.

(i) Location: 32 deg.38'06''N., 79 deg.41'57''W.; 32 deg.40'42''N., 79 deg.47'30''W.; 32 deg.39'04''N., 79 deg.49'21''W.; 32 deg.36'28''N., 79 deg.43'48''W.

(ii) Size: 11.8 square nautical miles.
(iii) Depth: Averages 11 meters.
(iv) Primary use: Dredged material from the Charleston Harbor deepening project.
(v) Period of use: Not to exceed seven years from the initiation of the Charleston Harbor deepening project.
(vi) Restriction: Disposal shall be limited to dredged material from the Charleston Harbor area. All dredged material, except entrance channel materials, shall be limited to that part of the site east of the line between coordinates 32 deg.39'04''N., 79 deg.44'25''W., and 32 deg.37'24''N., 79 deg.45'30''W., unless the materials can be shown by sufficient testing to contain 10% or less of fine material (grain size of less than 0.074 mm) by weight and shown to be suitable for ocean disposal.
(6) Savannah, GA Dredged Material Disposal Site.

(i) Location: 31 deg.55'53''N., 80 deg.44'20''W.; 31 deg.57'55''N., 80 deg.46'48''W.; 31 deg.57'55''N., 80 deg.44'20''W.; 31 deg.55'53''N., 80 deg.46'48''W.

(ii) Size: 4.26 square nautical miles.
(iii) Depth: Averages 11.4 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Savannah Harbor area.
(7) Brunswick Harbor, Brunswick, Georgia Ocean Dredged Material Disposal Site.

(i) Location: 31 deg.02'35''N., 81 deg.17'40''W.; 31 deg.02'35''N., 81 deg.16'30''W.; 31 deg.00'30''N., 81 deg.16'30''W.; 31 deg.00'30''N., 81 deg.17'42''W.

(ii) Size: Approximately 2 square nautical miles.
(iii) Depth: Average 9 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restrictions: Disposal shall be limited to suitable dredged material from the greater Brunswick, Georgia, vicinity.
(8) Fernandina Beach, FL Dredged Material Disposal Site.

(i) Location: 30 deg.33'00''N., 81 deg.16'52''W.; 30 deg.31'00''N., 81 deg.16'52''W.; 30 deg.31'00''N., 81 deg.19'08''W.; 30 deg.33'00''N., 81 deg.19'08''W.

(ii) Size: Four square nautical miles.
(iii) Depth: Average 16 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing Use.
(vi) Restriction: Disposal shall be limited to dredged material which meets the criteria given in the Ocean Dumping Regulations in 40 CFR part 227.
(9) Jacksonville, FL Dredged Material Site.

(i) Location: 30 deg.21'30''N., 81 deg.18'34''W.; 30 deg.21'30''N., 81 deg.17'26''W.; 30 deg.20'30''N., 81 deg.17'26''W.; 30 deg.20'30''N., 81 deg.18'34''W.

(ii) Size: One square nautical mile.
(iii) Depth: Ranges from 12 to 16 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Jacksonville, Florida, area.
(10) Canaveral Harbor, FL, Dredged Material Dumpsite.

(i) Location: 28 deg.20'15''N., 80 deg.31'11''W.; 28 deg.18'51''N., 80 deg.29'15''W.; 28 deg.17'13''N., 80 deg.30'53''W.; 28 deg.18'36''N., 80 deg.32'45''W.

Center coordinates: 28 deg.18'44''N., 80 deg.31'00''W. (NAD 27).

(ii) Size: 4 square nautical miles.
(iii) Depth: Range 47 to 55 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to suitable dredged material from the greater Canaveral, Florida, vicinity.
(11) Fort Pierce Harbor, FL, Fort Pierce, FL, Ocean Dredged material Disposal Site.

(i) Location: 27 deg.28'30''N., 80 deg.12'33''W; 27 deg.28'30''N., 80 deg.11'27''W; 27 deg.27'30''N., 80 deg.11'27''W; 27 deg.27'30''N., 80 deg.12'33''W.

(ii) Size: 1 square nautical mile.
(iii) Depth: Average range 40 to 54 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to suitable dredged material from the greater Fort Pierce Harbor vicinity. All dredged material consisting of greater than 10% fine grained material (grain size of less than 0.047mm) by weight shall be limited to that part of the site east of 80 deg.12'00''W. and south of 27 deg.27'20''N.
(12) Pensacola Nearshore, FL Dredged Material Disposal Site.

(i) Location: 30 deg.17'24''N., 87 deg.18'30''W.; 30 deg.17'00''N., 87 deg.19'50''W.; 30 deg.15'36''N., 87 deg.17'48''W.; 30 deg.15'15''N., 87 deg.19'18''W.

(ii) Size: 2.48 square nautical miles.
(iii) Depth: Averages 11 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged materials which are shown to be predominantly sand (defined by a median grain size greater than 0.125 mm and a composition of less than 10% fines) and meet the Ocean Dumping Criteria.
(13) Pensacola, Florida Ocean Dredged Material Disposal Site, i.e. the Pensacola (Offshore) Ocean Dredged Material Disposal Site.

(i) Location: 30 deg.08'50''N., 87 deg.19'30''W.; 30 deg.08'50''N., 87 deg.16'30''W.; 30 deg.07'05''N., 87 deg.16'30''W.; 30 deg.07'05''N., 87 deg.19'30''W.

(ii) Size: Approximately 6 square statute miles.
(iii) Depth: Ranges from 65 to 80 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal is restricted to predominantly fine-grained dredged material from the greater Pensacola, Florida area that meets the Ocean Dumping Criteria but is not suitable for beach

nourishment or disposal at the existing EPA designated Pensacola (Nearshore) ODMDS (Sec. 228.15(h)(11)). The Pensacola (Nearshore) ODMDS is restricted to suitable dredged material with a median grain size of > 0.125 mm and a composition of < 10% fines.

(14) Mobile, Alabama Dredged Material Disposal Site.

(i) Location: 30 deg.10'00''N., 88 deg.07'42''W.; 30 deg.10'24''N., 88 deg.04'42''W.; 30 deg.08'30''N., 88 deg.05'12''W.; 30 deg.08'30''N., 88 deg.08'12''W.

(ii) Size: 4.8 square nautical miles.

(iii) Depth: Average 14 meters.

(iv) Primary use: Dredged material.

(v) Period of use: Continuing use.

(vi) Restriction: Disposal shall be limited to dredged materials which meet the Ocean Dumping Criteria.

(15) Pascagoula, MS, Ocean Dredged Material Dumpsite.

(i) Location: 30 deg.12'06''N., 88 deg.44'30''W.; 30 deg.11'42''N., 88 deg.33'24''W.; 30 deg.08'30''N., 88 deg.37'00''W.; and 30 deg.08'18''N., 88 deg.41'54''W.

Center coordinates: 30 deg.10'09''N., 88 deg.39'12''W.

(ii) Size: 18.5 square nautical miles.

(iii) Depth: Average 46 feet, range 38-52 feet.

(iv) Primary Use: Dredged material.

(v) Period of Use: Continuing use.

(vi) Restriction: Disposal shall be limited to suitable material from the Mississippi Sound and vicinity.

(16) Gulfport, Mississippi Dredged Material Disposal Site--Eastern Site

(i) Location: 30 deg.11'10''N., 88 deg.58'24''W.; 30 deg.11'12''N., 88 deg.57'30''W.; 30 deg.07'36''N., 88 deg.54'24''W.; 30 deg.07'24''N., 88 deg.54'48''W.

(ii) Size: 2.47 square nautical miles.

(iii) Depth: 9.1 meters.

(iv) Primary use: Dredged material.

(v) Period of use: Continuing use.

(vi) Restriction: Disposal shall be limited to materials which meet the Ocean Dumping Criteria.

(17) Gulfport, MS Dredged Material Disposal Site--Western Site.

(i) Location: 30 deg.12'00''N., 89 deg.00'30''W.; 30 deg.12'00''N., 88 deg.59'30''W.; 30 deg.11'00''N., 89 deg.00'00''W.; 30 deg.07'00''N., 88 deg.56'30''W.; 30 deg.06'36''N., 88 deg.57'00''W.; 30 deg.10'30''N., 89 deg.00'36''W.

(ii) Size: 5.2 square nautical miles.

(iii) Depth: 8.2 meters.

(iv) Primary use: Dredged material.

(v) Period of use: Continuing use.

(vi) Disposal shall be limited to dredged material which meets the Ocean Dumping Criteria.

(i) Region IV Final Other Wastes Sites.

(1) No final sites.

(2) [Reserved].

(j) Region VI Final Dredged Material Sites.

(1) Mississippi River Gulf Outlet, LA.

(i) Location: 29 deg.32'35''N., 89 deg.12'38''W.; 29 deg.29'21''N., 89 deg.08'00''W.; 29 deg.24'32''N., 88 deg.59'23''W.; 29 deg.24'28''N., 88 deg.59'39''W.; 29 deg.28'59''N., 89 deg.08'19''W.; 29 deg.32'15''N., 89 deg.12'57''W.; thence to point of beginning.

(ii) Size: 6.03 square nautical miles.
(iii) Depth: Ranges from 20 to 40 feet.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from the vicinity of Mississippi River Gulf Outlet.
(2) Southwest Pass--Mississippi River, LA.

(i) Location: 28 deg.54'12''N., 89 deg.27'15''W.; 28 deg.54'12''N., 89 deg.26'00''W.; 28 deg.51'00''N., 89 deg.27'15''W.; 28 deg.51'00''N., 89 deg.26'00''W.

(ii) Size: 3.44 square nautical miles.
(iii) Depth: Ranges from 2.7 to 32.2 meters.
(iv) Primary use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from the vicinity of the Southwest Pass Channel.
(3) Barataria Bay Waterway, LA.

(i) Location: 29 deg.16'10''N., 89 deg.56'20''W.; 29 deg.14'19''N., 89 deg.53'16''W.; 29 deg.14'00''N., 89 deg.53'36''W.; 29 deg.16'29''N., 89 deg.55'59''W.

(ii) Size: 1.4 square nautical miles.
(iii) Depth: Ranges from 8-20 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the vicinity of Barataria Bay Waterway.
(4) Houma Navigation Canal, Louisiana.

(i) Location: 29 deg.05'22.3''N., 90 deg.34'43''W.; thence following a line 1000 feet west of the channel centerline to 29 deg.02'17.8''N., 90 deg.34'28.4''W.; thence to 29 deg.02'12.6''N., 90 deg.35'27.8''W.; thence to 29 deg.05'30.8''N., 90 deg.35'27.8''W.; thence to the point of beginning.

(ii) Size: 2.08 square nautical miles.
(iii) Depth: Ranges from 6 to 30 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from the vicinity of Cat Island Pass, Louisiana.
(5) Calcasieu, LA Dredged Material Site 1.

(i) Location: 29 deg.45'39''N., 93 deg.19'36''W.; 29 deg.42'42''N., 93 deg.19'06''W.; 29 deg.42'36''N., 93 deg.19'48''W.; 29 deg.44'42''N., 93 deg.20'12''W.; 29 deg.44'42''N., 93 deg.20'24''W.; 29 deg.45'27''N., 93 deg.20'33''W.

(ii) Size: 1.76 square nautical miles.
(iii) Depth: Ranges from 2 to 8 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material

from the vicinity of the Calcasieu River and Pass Project.
(6) Calcasieu, LA Dredged Material Site 2.

(i) Location: 29 deg.44'31''N., 93 deg.20'43''W.; 29 deg.39'45''N., 93 deg.19'56''W.; 29 deg.39'34''N., 93 deg.20'46''W.; 29 deg.44'25''N., 93 deg.21'33''W.

(ii) Size: 3.53 square nautical miles.
(iii) Depth: Ranges from 2 to 11 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the vicinity of the Calcasieu River and Pass Project.
(7) Calcasieu, LA Dredged Material Site 3.

(i) Location: 29 deg.37'50''N., 93 deg.19'37''W.; 29 deg.37'25''N., 93 deg.19'33''W.; 29 deg.33'55''N., 93 deg.16'23''W.; 29 deg.33'49''N., 93 deg.16'5''W.; 29 deg.30'59''N., 93 deg.13'51''W.; 29 deg.29'10''N., 93 deg.13'49''W.; 29 deg.29'05''N., 93 deg.14'23''W.; 29 deg.30'49''N., 93 deg.14'25''W.; 29 deg.37'26''N., 93 deg.20'24''W.; 29 deg.37'44''N., 93 deg.20'27''W.

(ii) Size: 5.88 square nautical miles.
(iii) Depth: Ranges from 11 to 14 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the vicinity of the Calcasieu River and Pass Project.
(8) Sabine-Neches, TX Dredged Material Site 1.

(i) Location: 29 deg.28'03''N., 93 deg.41'14''W.; 29 deg.26'11''N., 93 deg.44'11''W.

(ii) Size: 2.4 square nautical miles.
(iii) Depth: Ranges from 11-13 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.
(9) Sabine-Neches, TX Dredged Material Site 2.

(i) Location: 29 deg.30'41''N., 93 deg.43'49''W.; 29 deg.28'42''N., 93 deg.41'33''W.; 29 deg.28'42''N., 93 deg.44'49''W.; 29 deg.30'08''N., 93 deg.46'27''W.

(ii) Size: 4.2 square nautical miles.
(iii) Depth: Ranges from 9-13 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.
(10) Sabine-Neches, TX Dredged Material Site 3.

(i) Location: 29 deg.34'24''N., 93 deg.48'13''W.; 29 deg.32'47''N., 93 deg.46'16''W.; 29 deg.32'06''N., 93 deg.46'29''W.; 29 deg.31'42''N., 93 deg.48'16''W.; 29 deg.32'59''N., 93 deg.49'48''W.

(ii) Size: 4.7 square nautical miles.
(iii) Depth: 10 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.

(vi) Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.

(11) Sabine-Neches, TX, Dredged Material Site 4.

(i) Location: 29 deg.38'09''N., 93 deg.49'23''W.; 29 deg.35'53''N., 93 deg.48'18''W.; 29 deg.35'06''N., 93 deg.50'24''W.; 29 deg.36'37''N., 93 deg.51'09''W.; 29 deg.37'00''N., 93 deg.50'06''W.; 29 deg.37'46''N., 93 deg.50'26''W.

(ii) Size: 4.2 square nautical miles.

(iii) Depth: Ranges from 5-9 meters.

(iv) Primary Use: Dredged material.

(v) Period of Use: Continuing use.

(vi) Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.

(12) Galveston, TX Dredged Material Site.

(i) Location: 29 deg.18'00''N., 94 deg.39'30''W.; 29 deg.15'54''N., 94 deg.37'06''W.; 29 deg.14'24''N., 94 deg.38'42''W.; 29 deg.16'54''N., 94 deg.41'30''W.

(ii) Size: 6.6 square nautical miles.

(iii) Depth: Ranges from 10 to 15.5 meters.

(iv) Primary Use: Dredged material.

(v) Period of Use: Continuing use.

(vi) Restriction: Disposal shall be limited to dredged material from the Galveston, Texas area.

(13) Freeport Harbor, TX, New Work (45 Foot Project).

(i) Location: 28 deg.50'#51''N., 95 deg.13'54''W.; 28 deg.51'44''N., 95 deg.14'49''W.; 28 deg.50'15''N., 95 deg.16'40''W.; 28 deg.49'22''N., 95 deg.15'45''W.

(ii) Size: 2.64 square nautical miles.

(iii) Depth: 54 to 61 feet.

(iv) Primary Use: Construction (new work) dredged material.

(v) Period of Use: Indefinite period of time.

(vi) Restriction: Disposal shall be limited to dredged material from the Freeport Harbor Entrance and Jetty Channels, Texas.

(14) Freeport Harbor, TX, Maintenance (45 Foot Project).

(i) Location: 28 deg.54'00''N., 95 deg.15'49''W.; 28 deg.53'28''N., 95 deg.15'16''W.; 28 deg.52'00''N., 95 deg.16'59''W.; 28 deg.52'32''N., 95 deg.17'32''W.

(ii) Size: 1.53 square nautical miles.

(iii) Depth: 31 to 38 feet.

(iv) Primary use: Maintenance dredged material.

(v) Period of Use: Indefinite period of time.

(vi) Restriction: Disposal shall be limited to dredged material from the Freeport Harbor Entrance and Jetty Channels, Texas.

(15) Matagorda Ship Channel, TX.

(i) Location: 28 deg.23'48''N., 96 deg.18'00''W.; 28 deg.23'21''N., 96 deg.18'31''W.; 28 deg.22'43''N., 96 deg.17'52''W.; 28 deg.23'11''N., 96 deg.17'22''W.

(ii) Size: 0.56 square nautical mile.

(iii) Depth: Ranges from 25-40 feet.

(iv) Primary Use: Dredged Material.

(v) Period of Use: Indefinite period of time.

(vi) Restriction: Disposal shall be limited to dredged material from the Matagorda Ship Channel, Texas.

(16) Homeport Project, Port Aransas, TX.

(i) Location: 27 deg.47'42'' N., 97 deg.00'12'' W.; 27 deg.47'15'' N., 96 deg.59'25'' W.; 27 deg.46'17'' N., 97 deg.01'12'' W.; 27 deg.45'49'' N., 97 deg.00'25'' W.

(ii) Size: 1.4 square miles.
(iii) Depth: Ranges from 45-55 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: 50 years.
(vi) Restriction: Disposal shall be limited to dredged material from the U.S. Navy Homeport Project, Corpus Christi/Ingleside, TX.
(17) Corpus Christi Ship Channel, TX.

(i) Location: 27 deg.49'10''N., 97 deg.01'09''W.; 27 deg.48'42''N., 97 deg.00'21''W.; 27 deg.48'06''N., 97 deg.00'48''W.; 27 deg.48'33''N., 97 deg.01'36''W.

(ii) Size: 0.63 square nautical mile.
(iii) Depth: Ranges from 35 to 50 feet.
(iv) Primary use: Dredged material.
(v) Period of use: Indefinite period of time.
(vi) Restrictions: Disposal shall be limited to dredged material from the Corpus Christi Ship Channel, Texas.
(18) Port Mansfield, TX.

(i) Location: 26 deg.34'24''N., 97 deg.15'15''W.; 26 deg.34'26''N., 97 deg.14'17''W.; 26 deg.33'57''N., 97 deg.14'17''W.; 26 deg.33'55''N., 97 deg.15'15''W.

(ii) Size: 0.42 Square nautical miles.
(iii) Depth: Ranges from 35-50 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Indefinite period of time.
(vi) Restriction: Disposal shall be limited to dredged material from the Port Mansfield Entrance Channel, Texas.
(19) Brazos Island Harbor, TX.

(i) Location: 26 deg.04'32'' N., 97 deg.07'26'' W.; 26 deg.04'32'' N., 97 deg.06'30'' W.; 26 deg.04'02'' N., 97 deg.06'30'' W.; 26 deg.04'02'' N., 97 deg.07'26'' W.

(ii) Size: 0.42 square nautical miles.
(iii) Depth: Ranges from 55 to 65 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Indefinite period of time.
(vi) Restriction: Disposal shall be limited to dredged material from the Brazos Island Harbor Entrance Channel, Texas.
(20) Brazos Island Harbor (42-Foot Project), TX.

(i) Location: 26 deg.04'47'' N., 97 deg.05'07'' W.; 26 deg.05'16'' N., 97 deg.05'04'' W.; 26 deg.05'10'' N., 97 deg.04'06'' W.; 26 deg.04'42'' N., 97 deg.04'09'' W.

(ii) Size: 0.42 square nautical miles.
(iii) Depth: Ranges from 60-67 feet.
(iv) Primary Use: Dredged material.
(v) Period of Use: Indefinite period of time.
(vi) Restrictions: Disposal shall be limited to construction material dredged from the Brazos Island Harbor Entrance Channel, Texas.
(k) Region VI Final Other Wastes Sites.
(1) No final sites.
(2) [Reserved]
(l) Region IX Final Dredged Material Sites.

(1) San Diego, CA (LA-5).

(i) Location: Center coordinates of the site are: 32 deg.36.83' North Latitude and 117 deg.20.67' West Latitude (North American Datum from 1927), with a radius of 3,000 feet (910 meters).

(ii) Size: 0.77 square nautical miles.

(iii) Depth: 460 to 660 feet (145 to 200 meters).

(iv) Primary Use: Ocean dredged material disposal.

(v) Period of Use: Continuing use.

(vi) Restrictions: Disposal shall be limited to dredged materials that comply with EPA's Ocean Dumping Regulations and Corps Permitting Regulations.

(2) Los Angeles/Long Beach, CA (LA-2).

(i) Location: 33 deg.37.10' North Latitude by 118 deg.17.40' West Longitude (North American Datum from 1983), with a radius of 3,000 feet (910 meters).

(ii) Size: 0.77 square nautical miles.

(iii) Depth: 380 to 1060 feet (110 to 320 meters).

(iv) Primary use: Ocean dredged material disposal.

(v) Period of use: Continuing use, subject to submission of a revised Consistency Determination to the California Coastal Commission after 5 years of site management and monitoring.

(vi) Restrictions: Disposal shall be limited to dredged sediments that comply with EPA's Ocean Dumping Regulations.

(3) San Francisco Deepwater Ocean Site (SF-DODS) Ocean Dredged Material Disposal Site--Region IX.

(i) Location: Center coordinates of the oval-shaped site are: 37 deg.39.0' North latitude by 123 deg.29.0' West longitude (North American Datum from 1983), with length (north-south axis) and width (west-east axis) dimensions of approximately 4 nautical miles (7.5 kilometers) and 2.5 nautical miles (4.5 kilometers), respectively.

(ii) Size: 6.5 square nautical miles (22 square kilometers).

(iii) Depth: 8,200 to 9,840 feet (2,500 to 3,000 meters).

(iv) Use Restricted to Disposal of: Dredged materials.

(v) Period of Use: Continuing use over 50 years from date of site designation, subject to restrictions and provisions set forth below.

(vi) Restrictions/provisions: The remainder of this Sec. 228.15(l)(3) (hereinafter referred to as ``this section'') constitutes the required Site Management and Monitoring Plan (SMMP) for the SF-DODS. This SMMP shall be supplemented by a Site Management and Monitoring Plan Implementation Manual (SMMP Implementation Manual) containing more detailed operational guidance. The SMMP Implementation Manual may be periodically revised as necessary; proposed revisions to the SMMP Implementation Manual shall be made following opportunity for public review and comment. SF-DODS use shall be subject to the following restrictions and provisions:

(vii) Type and capacity of disposed materials. The interim site disposal capacity shall be 6 million cubic yards of suitable dredged material per year until December 31, 1996. Thereafter, the capacity of the SF-DODS shall be set in a separate rulemaking based on either a comprehensive long-term management strategy for management of dredged materials from San Francisco Bay (reflected in an EPA-prepared dredged material management planning document) or a separate alternatives-based EPA evaluation of the need for ocean disposal. This separate rulemaking will identify the appropriate site capacity for the remaining life of this site designation. No disposal at the SF-DODS may occur after December 31, 1996 without subsequent promulgation by Rule of appropriate annual site disposal capacity.

(viii) Permit/project conditions. Paragraph (l)(3)(viii)(A) of this section sets forth requirements for inclusion in permits to use the SF-DODS, and in all Army Corps of Engineers federal project authorizations. Paragraph (l)(3)(viii)(B) of this section describes additional project-specific conditions that will be required of

disposal permits and operations as appropriate. Paragraph (l)(3)(viii)(C) of this section describes how alternative permit conditions may be authorized by EPA and the Corps of Engineers. All references to ``permittees'' shall be deemed to include the Army Corps of Engineers when implementing a federal dredging project.

(A) Mandatory conditions. All permits or federal project authorizations authorizing use of the SF-DODS shall include the following conditions, unless approval for an alternative permit condition is sought and granted pursuant to paragraph (l)(3)(viii)(C) of this section:

(1) Transportation of dredged material to the SF-DODS shall only be allowed when weather and sea state conditions will not interfere with safe transportation and will not create risk of spillage, leak or other loss of dredged material in transit to the SF-DODS. No disposal vessel trips shall be initiated when the National Weather Service has predicted combined seas in excess of eighteen feet or has issued a gale warning for local waters during the time period necessary for the disposal vessel to complete dumping operations.

(2) All vessels used for dredged material transportation and disposal must be load-lined at a level at which dredged material is not expected to be spilled in transit under anticipated sea state conditions. Disposal vessels shall not be filled above their load limitations. Before any disposal vessel departs for the SF-DODS, an independent quality control inspector must certify that it is filled correctly. For purposes of paragraph (l)(3)(viii) of this section, ``independent'' means not an employee of the permittee; however, the Corps of Engineers may provide inspectors for Corps of Engineers disposal operations.

(3) Dredged material shall not be leaked or spilled from disposal vessels during transit to the SF-DODS.

(4) Disposal vessels in transit to and from the SF-DODS shall remain at least three nautical miles from the Farallon Islands at all times.

(5) When dredged material is discharged within the SF-DODS, no portion of the vessel from which materials are released (for example, a hopper dredge vessel or a towed barge) can be further than 3,200 feet from the center of the target area, centered at 37 deg.39'N, 123 deg.29'W.

(6) No more than one disposal vessel may be present within the permissible dumping target area referred to in paragraph (l)(3)(viii)(A)(5) of this section at any time.

(7) Disposal vessels shall use an appropriate navigation system capable of indicating the position of the vessel carrying dredged material (for example, a hopper dredge vessel or a towed barge) with a minimum accuracy and precision of 100 feet during all disposal operations. If the positioning system fails, all disposal operations must cease until the navigational capabilities are restored.

(8) The permittee shall maintain daily records of the amount of material dredged and loaded into barges for disposal, the times that disposal vessel depart for, arrive at and return from the SF-DODS, the exact locations and times of disposal, and the volumes of material disposed at the SF-DODS during each vessel trip. The permittee shall further record wind and sea state observations at intervals to be established in the permit.

(9) For each disposal vessel trip, the permittee shall maintain a computer printout from a Global Positioning System or other acceptable navigation system showing transit routes and disposal coordinates, including the time and position of the disposal vessel when dumping was commenced and completed.

(10) An independent quality control inspector (as defined in paragraph (l)(3)(viii)(A)(2)) of this section shall observe all dredging and disposal operations. The inspector shall verify the information required in paragraphs (l)(3)(viii)(A)(8) and (9) of this section. The inspector shall promptly inform permittees of any

inaccuracies or discrepancies concerning this information and shall prepare summary reports, which summarize all such inaccuracies and discrepancies, from time to time as shall be specified in permits. Such summary reports shall be sent by the permittee to the District Engineer and the Regional Administrator within a time interval that shall be specified in the permit.

(11) The permittee shall report any anticipated or actual permit violations to the District Engineer and the Regional Administrator within 24 hours of discovering such violations. In addition, the permittee shall prepare and submit reports, certified accurate by the independent quality control inspector, on a frequency that shall be specified in permits, to the District Engineer and the Regional Administrator setting forth the information required by paragraphs (l)(3)(viii)(A)(8) and (9) of this section.

(12) Permittees shall allow observers from the Point Reyes Bird Observatory or other appropriate independent observers as specified in permits to be present on disposal vessels on all trips to the SF-DODS for the purpose of conducting shipboard surveys of seabirds and marine mammals. In addition, permittees shall ensure that independent observers are present on a sufficient number of vessel trips to characterize fully the potential impact of disposal site use on seabirds and marine mammals, taking into account, to the extent feasible, seasonal variations in such potential impacts. At a minimum, permittees shall ensure that independent observers are present on at least one disposal trip in any calendar month in which a disposal trip to the SF-DODS is made.

(13) At the completion of short-term dredging projects or annually for on-going projects, permittees shall prepare and submit to the District Engineer and the Regional Administrator complete pre-dredging and post-dredging bathymetric surveys showing the depth of all areas dredged, including side slope areas, before and after dredging. Permittees shall include a report indicating whether any dredged material was dredged outside of areas authorized for dredging or was dredged within project boundaries at depths deeper than authorized for dredging by their permits.

(B) Project-specific conditions. Permits or federal project authorizations authorizing use of the SF-DODS may include the following conditions, if EPA determines these conditions are necessary to facilitate safe use of the SF-DODS, the prevention of potential harm to the environment or accurate monitoring of site use:

(1) Permittees may be required to limit the speed of disposal vessels in transit to the SF-DODS to a rate that is safe under the circumstances and will prevent the spillage of dredged materials.

(2) Permittees may be required to use automated data logging systems for recording navigation and disposal coordinates and/or load levels throughout disposal trips when such systems are feasible and represent an improvement over manual recording methodologies.

(3) Any other conditions that EPA or the Corps of Engineers determine to be necessary or appropriate to facilitate compliance with the requirements of the MPRSA and this section may be included in site use permits.

(C) Alternative permit/project conditions. Alternatives to the permit conditions specified in paragraph (l)(3)(viii) of this section in a permit or federal project authorization may be authorized if the permittee demonstrates to the District Engineer and the Regional Administrator that the alternative conditions are sufficient to accomplish the specific intended purpose of the permit condition in issue and further demonstrates that the waiver will not increase the risk of harm to the environment, the health or safety of persons, nor will impede monitoring of compliance with the MPRSA, regulations promulgated under the MPRSA, or any permit issued under the MPRSA.

(ix) Site monitoring. Data shall be collected in accordance with a three-tiered site monitoring program which consists of three interdependent types of monitoring for each tier: Physical, chemical

and biological. In addition, periodic confirmatory monitoring concerning potential site contamination shall be performed. Specific guidance for site monitoring tasks required by this paragraph shall be described in a Site Management and Monitoring Implementation Manual (SMMP Implementation Manual) developed by EPA. The SMMP Implementation Manual shall be reviewed periodically and any necessary revisions to the Manual will be issued for public review under an EPA Public Notice.

(A) Tier 1 monitoring activities. Tier 1 monitoring activities shall consist of the following:

(1) Physical monitoring. Tier 1 Physical Monitoring shall consist of a physical survey to map the area on the seafloor within and in the vicinity of the disposal site where dredged material has been deposited (the footprint). Such a survey shall use appropriate technology (for example, sediment profile photography) to determine the areal extent and thickness of the disposed dredged material, and to determine if any dredged material has deposited outside of the disposal site boundary.

(2) Chemical monitoring. Tier 1 Chemical Monitoring shall consist of collecting, processing, and preserving boxcore samples of sediments so that such sediments could be subjected to sediment chemistry analysis in the appropriate tier. Samples shall be collected within the dredged material footprint, outside of the dredged material footprint, and outside of the disposal site boundaries. Samples within the footprint shall be subjected to chemical analysis in annual Tier 1 activity. Samples from outside of the footprint and outside of the disposal site boundaries shall be archived and analyzed only when the criteria requiring Tier 2 as specified in paragraph (l)(3)(x) of this section are met. A sufficient number of samples shall be collected so that the potential for adverse impacts due to elevated chemistry can be assessed with an appropriate time-series or ordinal technique.

(3) Biological monitoring. Tier 1 Biological Monitoring shall have two components: Monitoring of pelagic communities and monitoring of benthic communities.

(i) Pelagic communities. Tier 1 Biological Monitoring shall include regional surveys of seabirds, marine mammals and mid-water column fish populations appropriate for evaluating how these populations might be affected by disposal site use. A combination of annual regional and periodic (random) shipboard surveys of seabirds and marine mammals will be used. The regional survey designs for each category of biota shall be similar to that used for the regional characterization studies referenced in the Final Environmental Impact Statement for Designation of a Deep Water Ocean Dredged Material Disposal Site off San Francisco, California (August 1993) with appropriate realignments to accommodate transects within and in the vicinity of the SF-DODS. The periodic shipboard surveys shall be performed from vessels involved in dredged material disposal operations at the SF-DODS as specified in permit conditions imposed pursuant to paragraph (l)(3)(viii)(A)(12) of this section. The minimum number of surveys must be sufficient to characterize the disposal operations for each project, and, as practicable, provide seasonal data for an assessment of the potential for adverse impacts for the one-year period. An appropriate time-series (ordinal), and community analysis shall be performed using data collected during the current year and previous years.

(ii) Benthic communities. Tier 1 Biological Monitoring shall include collection and preservation of boxcore samples of benthic communities so that such samples could be analyzed as a Tier 2 activity.

(4) Annual reporting. The results of the annual Tier 1 studies shall be compiled in an annual report which will be available for public review.

(B) Tier 2 monitoring activities. Tier 2 monitoring activities shall consist of the following:

(1) Physical monitoring. Tier 2 Physical Monitoring shall consist of oceanographic studies conducted to validate and/or improve the models used to predict the dispersion in the water column and

deposition of dredged material on the seafloor at the SF-DODS. The appropriate physical oceanographic studies may include: The collection of additional current meter data, deployment of sediment traps, and deployment of surface and subsurface drifters.

(2) Chemical monitoring. Tier 2 Chemical Monitoring shall consist of performing sediment chemistry analysis on samples collected and preserved in Tier 1 from outside of the footprint and outside of the disposal site boundaries.

(3) Biological monitoring. Tier 2 Biological Monitoring shall involve monitoring of pelagic communities and monitoring of benthic communities.

(i) Pelagic communities. Tier 2 Biological Monitoring for pelagic communities shall include supplemental surveys of similar type to those in Tier 1, or other surveys as appropriate.

(ii) Benthic communities. Tier 2 Biological Monitoring for benthic communities shall include a comparison of the benthic community within the dredged material footprint to benthic communities in adjacent areas outside of the dredged material footprint. An appropriate time-series (ordinal) and community analysis shall be performed using data collected during the current year and previous years to determine whether there are adverse changes in the benthic populations outside of the disposal site which may endanger the marine environment.

(4) Annual reporting. The results of any required Tier 2 studies shall be compiled in an annual report which will be available for public review.

(C) Tier 3 monitoring activities. Tier 3 monitoring activities shall consist of the following:

(1) Physical monitoring. Tier 3 physical monitoring shall consist of advanced oceanographic studies to study the dispersion of dredged material in the water column and the deposition of dredged material on the seafloor in the vicinity of the SF-DODS. Such physical monitoring may include additional, intensified studies involving the collection of additional current meter data, deployment of sediment traps, and deployment of surface and subsurface drifters. Such studies may include additional sampling stations, greater frequency of sampling, more advanced sampling methodologies or equipment, or other additional increased study measures compared to similar studies conducted in Tier 1 or 2.

(2) Chemical monitoring. Tier 3 Chemical Monitoring shall consist of analysis of tissues of appropriate field-collected benthic and/or epifaunal organisms to determine bioaccumulation of contaminants that may be associated with dredged materials deposited at the SF-DODS. Sampling and analysis shall be designed and implemented to determine whether the SF-DODS is a source of adverse bioaccumulation in the tissues of benthic species collected at or outside the SF-DODS, compared to adjacent unimpacted areas, which may endanger the marine environment. Appropriate sampling methodologies for these tests will be determined and the appropriate analyses will involve the assessment of benthic body burdens of contaminants and correlation with comparison of the benthic communities inside and outside of the sediment footprint.

(3) Biological monitoring. Tier 3 biological monitoring shall have two components: monitoring of pelagic communities and monitoring of benthic communities.

(i) Pelagic communities. Tier 3 Biological Monitoring shall include advanced studies of seabirds, marine mammals and mid-water column fish to evaluate how these populations might be affected by disposal site use. Such studies may include additional sampling stations, greater frequency of sampling, more advanced sampling methodologies or equipment, or other additional increased study measures compared to similar studies conducted in Tier 1 or 2. Studies may include evaluation of sub-lethal changes in the health of pelagic organisms, such as the development of lesions, tumors, developmental abnormality, decreased fecundity or other adverse sub-lethal effect.

(ii) Benthic communities. Tier 3 Biological Monitoring shall

include advanced studies of benthic communities to evaluate how these populations might be affected by disposal site use. Such studies may include additional sampling stations, greater frequency of sampling, more advanced sampling methodologies or equipment, or other additional increased study measures compared to similar studies conducted in Tier 2. Studies may include evaluation of sub-lethal changes in the health of benthic organisms, such as the development of lesions, tumors, developmental abnormality, decreased fecundity or other adverse sub-lethal effect.

(4) Reporting. The results of any required Tier 3 studies shall be compiled in a report which will be available for public review.

(D) Periodic confirmatory monitoring. At least once every three years, the following confirmatory monitoring activities will be conducted and results compiled in a report which will be available for public review: Samples of sediments taken from the dredged material footprint shall be subjected to bioassay testing using one or more appropriate sensitive marine species consistent with applicable ocean disposal testing guidance (``Green Book'' or related Regional Implementation Agreements), as determined by the Regional Administrator, to confirm whether contaminated sediments are being deposited at the SF-DODS despite extensive pre-disposal testing. In addition, near-surface arrays of appropriate filter-feeding organisms (such as mussels) shall be deployed in at least three locations in and around the disposal site for at least one month during active site use, to confirm whether substantial bioaccumulation of contaminants may be associated with exposure to suspended sediment plumes from multiple disposal events. One array must be deployed outside the influence of any expected plumes to serve as a baseline reference.

(x) Site management actions. Once disposal operations at the site begin, the three-tier monitoring program described in paragraphs (l)(3)(ix) (A) through (C) of this section shall be implemented on an annual basis, through December 31, 1996, independent of the actual volumes disposed at the site. Thereafter, the Regional Administrator may establish a minimum annual disposal volume (not to exceed 10 percent of the designated site capacity at any time) below which this monitoring program need not be fully implemented. The Regional Administrator shall promptly review monitoring reports for the SF-DODS along with any other information available to the Regional Administrator concerning site monitoring activities. If the information gathered from monitoring at a given monitoring tier is not sufficient for the Regional Administrator to base reasonable conclusions as to whether disposal at the SF-DODS might be endangering the marine ecosystem, then the Regional Administrator shall require intensified monitoring at a higher tier. If monitoring at a given tier establishes that disposal at the SF-DODS is endangering the marine ecosystem, then the Regional Administrator shall require modification, suspension or termination of site use.

(A) Selection of site monitoring tiers--(1) Physical monitoring. Physical monitoring shall remain limited to Tier 1 monitoring when Tier 1 monitoring establishes that no significant amount of dredged material has been deposited or transported outside of the site boundaries. Tier 2 monitoring shall be employed when Tier 1 monitoring is insufficient to conclude that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)(4) of this section has not been deposited or transported outside of the site boundaries.

(2) Chemical monitoring. (i) Chemical monitoring shall remain limited to Tier 1 Chemical Monitoring when the results of Physical Monitoring indicate that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)(4) of this section has not been deposited or transported off-site, and Tier 1 Chemical Monitoring establishes that dredged sediments deposited at the disposal site do not contain levels of chemical contaminants that are significantly elevated above the range of chemical contaminant levels in dredged sediments that the Regional Administrator and the District Engineer

found to be suitable for disposal at the SF-DODS pursuant to 40 CFR part 227.

(ii) Tier 2 monitoring shall be employed when the results of Physical Monitoring indicate that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)(4) of this section has been deposited off-site, and Tier 1 Chemical Monitoring is insufficient to establish that dredged sediments deposited at the disposal site do not contain levels of chemical contaminants that are significantly elevated above the range of chemical contaminant levels in dredged sediments that the Regional Administrator and the District Engineer found to be suitable for disposal at the SF-DODS pursuant to 40 CFR part 227.

The Regional Administrator may employ Tier 2 monitoring when available evidence indicates that a significant amount of dredged material as defined in paragraph (l)(3)(x)(A)(4) of this section has been deposited near the SF-DODS site boundary.

(iii) Tier 3 monitoring shall be employed within and outside the dredged material footprint when Tier 2 Chemical Monitoring is insufficient to establish that dredged sediments deposited at the disposal site do not contain levels of chemical contaminants that are significantly elevated above the range of chemical contaminant levels in dredged sediments that the Regional Administrator and the District Engineer found to be suitable for disposal at the SF-DODS pursuant to 40 CFR part 227.

(3) Biological monitoring. (i) Pelagic communities. Biological monitoring for pelagic communities shall remain limited to Tier 1 monitoring when Tier 1 monitoring establishes that disposal at the SF-DODS has not endangered the monitored pelagic communities. When Tier 1 monitoring is insufficient to make reasonable conclusions whether disposal at the site has endangered the monitored pelagic communities, then Tier 2 monitoring of pelagic communities shall be employed. When Tier 2 monitoring is insufficient to make reasonable conclusions whether disposal at the site has endangered the monitored pelagic communities, then Tier 3 monitoring of pelagic communities shall be employed.

(ii) Benthic communities. Biological monitoring for benthic communities shall remain limited to Tier 1 monitoring when physical monitoring establishes that a significant amount of dredged material has not been deposited outside of the site boundaries. If physical monitoring indicates that a significant amount of dredged material has been deposited or transported outside of the site boundaries, then Tier 2 analysis of benthic communities shall be performed. If Chemical Monitoring establishes that there is significant bioaccumulation of contaminants in organisms sampled from within or outside the dredged material footprint, then Tier 3 Biological Monitoring of the disposal site shall be employed. Tier 3 Biological Monitoring may replace Tier 3 Chemical Monitoring if observed biological effects are established as surrogate indicators for bioaccumulation of chemical contaminants in sampled organisms.

(4) Definition of significant dredged material accumulation. For purposes of this paragraph (l)(3)(x)(A) of this section, dredged material accumulation on the ocean bottom to a thickness of five centimeters shall be considered to be a significant amount of dredged material. The Regional Administrator may determine that a lesser amount of accumulation is significant if available evidence indicates that a lesser amount of off-site accumulation could endanger marine resources.

(B) Modification, suspension or termination of site use. (1) If the results of site monitoring or other information indicate that any of the following are occurring as a result of disposal at the SF-DODS, then the Regional Administrator shall modify, suspend, or terminate site use overall, or for individual projects as appropriate:

(i) Exceedance of Federal marine water quality criteria within the SF-DODS following initial mixing as defined in 40 CFR 227.29(a) or beyond the site boundary at any time;

(ii) Placement or movement of significant quantities of disposed material outside of site boundaries near or toward significant biological resource areas or marine sanctuaries;

(iii) Endangerment of the marine environment related to potentially significant adverse changes in the structure of the benthic community outside the disposal site boundary;

(iv) Endangerment to the health, welfare, or livelihood of persons or to the environment related to potentially significant adverse bioaccumulation in organisms collected from the disposal site or areas adjacent to the site boundary compared to the reference site;

(v) Endangerment to the health, welfare, or livelihood of persons related to potentially significant adverse impacts upon commercial or recreational fisheries resources near the site; or

(vi) Endangerment to the health, welfare, or livelihood of persons or to the environment related to any other potentially significant adverse environmental impacts.

(2) The Regional Administrator shall modify site use, rather than suspend or terminate site use, when site use modification will be sufficient to eliminate the adverse environmental impacts referred to in paragraphs (l)(3)(x)(B)(1) (i) or (ii) of this section or the endangerment to human health, welfare or livelihood to the environment referred to in paragraphs (l)(3)(x)(B)(1) (iii) through (vi) of this section. Notwithstanding the provisions of any permit or federal project authorization authorizing site use, the Regional Administrator shall order, following opportunity for public comment, any of the following modifications to site use that he or she deems necessary to eliminate the adverse environmental effect or endangerment to human health, welfare, or livelihood or to the environment:

(i) Change or additional restrictions upon the permissible times, rates and total volume of disposal of dredged material at the SF-DODS;

(ii) Change or additional restrictions upon the method of disposal or transportation of dredged materials for disposal; or

(iii) Change or additional limitations upon the type or quality of dredged materials according to chemical, physical, bioassay toxicity, or bioaccumulation characteristics.

(3) The Regional Administrator shall suspend site use when site use suspension is both necessary and sufficient to eliminate any adverse environmental effect or endangerment to human health, welfare, or livelihood or to the environment referred to in paragraph (l)(3)(x)(B)(1) of this section. Notwithstanding the provisions of any permit or federal project authorization authorizing site use, the Regional Administrator shall order, following opportunity for public comment, site use suspension until an appropriate management action is identified or for a time period that will eliminate the adverse environmental effect or endangerment to human health, welfare, or livelihood or to the environment.

(4) Notwithstanding the provisions of any permit or federal project authorization authorizing site use, the Regional Administrator shall order, following opportunity for public comment, site use permanently terminated if this is the only means for eliminating the adverse environmental impacts referred to in paragraphs (l)(3)(x)(B)(1) (i) or (ii) of this section or the endangerment to human health, welfare or livelihood to the environment referred to in paragraphs (l)(3)(x)(B)(1) (iii) through (vi) of this section.

(4) Channel Bar Site, San Francisco, CA (SF-8).

(i) Location: 37 deg.44'55''N., 122 deg.37'18''W; 37 deg.45'45''N., 122 deg.34'24''W.; 37 deg.44'24''N., 122 deg.37'06''W.; 37 deg.45'15''N., 122 deg.34'12''W.

(ii) Size: 4,572 x 914 meters.

(iii) Depth: Ranges from 11 to 14.3 meters.

(iv) Primary Use: Dredged material.

(v) Period of Use: Continuing use.

(vi) Restriction: Disposal shall be limited to material from required dredging operations at the entrance of the San Francisco main ship channel which is composed primarily of sand having grain sizes compatible with naturally occurring sediments at the disposal site and containing approximately 5 percent of particles having grain sizes finer than that normally attributed to very fine sand (.075 millimeters). Other dredged materials meeting the requirements of 40 CFR 227.13 but having smaller grain sizes may be dumped at this site only upon completion of an appropriate case-by-case evaluation of the impact of such material on the site which demonstrates that such impact will be acceptable.

(5) Hilo, HI.

(i) Location: (center point): Latitude--19 deg.48'30''N.; Longitude--154 deg.58'30''W.

(ii) Size: Circular with a radius of 920 meters.
(iii) Depth: Ranges from 330 to 340 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material.

(6) Kahului, HI.

(i) Location: (center point): Latitude--21 deg.04'42''N.; Longitude--156 deg.29'00''W.

(ii) Size: Circular with a radius of 920 meters.
(iii) Depth: Ranges from 345 to 365 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material.

(7) South Oahu, HI.

(i) Location: (center point): Latitude--21 deg.15'10'' N.; Longitude--157 deg.56'50'' W.

(ii) Size: 2 kilometers wide and 2.6 kilometers long.
(iii) Depth: Ranges from 400 to 475 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material.

(8) Nawiliwili, HI.

(i) Location: (centerpoint): Latitude--21 deg.55'00'' N. Longitude--159 deg.17'00'' W.

(ii) Size: Circular with a radius of 920 meters.
(iii) Depth: Ranges from 840 to 1,120 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material.

(9) Port Allen, HI.

(i) Location: (center point) Latitude--21 deg.50'00'' N. Longitude--159 deg.35'00'' W.

(ii) Size: Circular with a radius of 920 meters.
(iii) Depth: Ranges from 1,460 to 1,610 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material.

(m) Region IX Final Other Wastes Sites.

(1) Fish Processing Waste Disposal Site, American Samoa.

(i) Location: 14 deg.24.00' South latitude by 170 deg.38.30' West longitude (1.5 nautical mile radius).

(ii) Size: 7.07 square nautical miles.
(iii) Depth: 1,502 fathoms (2,746 meters or 9,012 feet).
(iv) Primary Use: Disposal of fish processing wastes.
(v) Period of Use: Continued use.
(vi) Restriction: Disposal shall be limited to dissolved air flotation (DAF) sludge, presswater, and precooker water produced as a result of fish processing operations at fish canneries generated in American Samoa.
(2) [Reserved].
(n) Region X Final Dredged Material Sites.
(1) Chetco, OR, Dredged Material Site.

(i) Location: 42 deg.01'55'' N., 124 deg.16'37'' W.; 42 deg.01'55'' N., 124 deg.16'13'' W.; 42 deg.01'37'' N., 124 deg.16'13'' W.; and 42 deg.01'37'' N., 124 deg.16'37'' W. (NAD83)

(ii) Size: 0.09 square nautical mile.
(iii) Depth: 21 meters (average).
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material determined to be suitable for unconfined disposal from the Chetco Estuary and River and adjacent areas.
(2) Coos Bay, OR Dredged Material Site E.

(i) Location: 43 deg.21'59'' N., 124 deg.22'45'' W.;43 deg.21'48'' N., 124 deg.21'59'' W.; 43 deg.21'35'' N., 124 deg.22'05'' W.; 43 deg.21'46'' N., 124 deg.22'51'' W.

(ii) Size: 0.13 square nautical mile.
(iii) Depth: Averages 17 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.
(3) Coos Bay, OR Dredged Material Site F.

(i) Location: 43 deg.22'44'' N., 124 deg.22'18'' W.; 43 deg.22'29'' N., 124 deg.21'34'' W.; 43 deg.22'16'' N., 124 deg.21'42'' W.; 43 deg.22'31'' N., 124 deg.22'26'' W.

(ii) Size: 0.13 square nautical mile.
(iii) Depth: Averages 24 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.
(4) Coos Bay, OR Dredged Material Site H.

(i) Location: 43 deg.23'53'' N., 124 deg.22'48'' W.; 43 deg.23'42'' N., 124 deg.23'01'' W.; 43 deg.24'16'' N., 124 deg.23'26'' W.; 43 deg.24'05'' N., 124 deg.23'38'' W.

(ii) Size: 0.13 square nautical mile.
(iii) Depth: Averages 55 meters.
(iv) Primary Use: Dredged material.
(v) Period of Use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material in

the Coos Bay area of type 2 and 3, as defined in the site designation final EIS.

(5) Coquille River Entrance, OR.

(i) Location: 43 deg.08'26'' N., 124 deg.26'44'' W.; 43 deg.08'03'' N., 124 deg.26'08'' W.; 43 deg.08'13'' N., 124 deg.27'00'' W.; 43 deg.07'50'' N., 124 deg.26'23'' W.

Centroid: 43 deg.08'08'' N., 124 deg.26'34'' W.

(ii) Size: 0.17 square nautical miles.
(iii) Depth: 18.3 meters.
(iv) Period of Use: Continuing use.
(v) Restrictions: Disposal shall be limited to dredged material from the Coquille Estuary and River and adjacent areas.

(6) Mouth of Columbia River, OR/WA Dredged Material Site A.

(i) Location: 46 deg.13'03'' N., 124 deg.06'17'' W.; 46 deg.12'50'' N., 124 deg.05'55'' W.; 46 deg.12'13'' N., 124 deg.06'43'' W.; 46 deg.12'26'' N., 124 deg.07'05'' W.

(ii) Size: 0.27 square nautical mile.
(iii) Depth: Ranges from 14-25 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(7) Mouth of Columbia River, OR/WA Dredged Material Site B.

(i) Location: 46 deg.14'37'' N., 124 deg.10'34'' W.; 46 deg.13'53'' N., 124 deg.10'01'' W.; 46 deg.13'43'' N., 124 deg.10'26'' W.; 46 deg.14'28'' N., 124 deg.10'59'' W.

(ii) Size: 0.25 square nautical mile.
(iii) Depth: Ranges from 24-39 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(8) Mouth of Columbia River, OR/WA Dredged Material Site E.

(i) Location: 46 deg.15'43'' N., 124 deg.05'21'' W.; 46 deg.15'36'' N., 124 deg.05'11'' W.; 46 deg.15'11'' N., 124 deg.05'53'' W.; 46 deg.15'18'' N., 124 deg.06'03''W.

(ii) Size: 0.08 square nautical mile.
(iii) Depth: Ranges from 16-21 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(9) Mouth of Columbia River, OR/WA Dredged Material Site F.

(i) Location: 46 deg.12'12'' N., 124 deg.09'00'' W.; 46 deg.12'00'' N., 124 deg.08'42'' W.; 46 deg.11'48'' N., 124 deg.09'00'' W.; 46 deg.12'00'' N., 124 deg.09'18'' W.

(ii) Size: 0.08 square nautical mile.
(iii) Depth: Ranges from 38-42 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(10) Grays Harbor Eight Mile Site.

(i) Location: Circle with a 0.40 mile radius around a central coordinate at 46 deg.57' N., 124 deg.20.06' W.
(ii) Size: 0.5 square nautical miles.
(iii) Depth: 42-49 meters.
(iv) Primary use: Dredged material.
(v) Period of Use: One time use over multiple years. Designation of the site is anticipated within five years following completion of disposal and monitoring activities.
(vi) Restrictions: Disposal shall be limited to dredged material from initial construction of the Grays Harbor navigation project. Post-disposal monitoring will determine the need and extent of closure requirements.
(11) Grays Harbor Southwest Navigation Site.

(i) Location: 46 deg.52.94' N., 124 deg.13.81' W; 46 deg.52.17' N., 124 deg.12.96' W.; 46 deg.51.15' N., 124 deg.14.19' W.; 46 deg.51.92' N., 124 deg.14.95' W.

(ii) Size: 1.25 square nautical miles.
(iii) Depth: 30-37 meters (average).
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material determined to be suitable for unconfined disposal from Grays Harbor estuary and adjacent areas. Additional discharge restrictions will be contained in the EPA/Corps management plan for the site.
(12) Nome, AK--East Site.

(i) Location: 64 deg.29'54''N., 165 deg.24'41''W.; 64 deg.29'45''N., 165 deg.23'27''W.; 64 deg.28'57''N., 165 deg.23'29''W.; 64 deg.29'07''N., 165 deg.24'25''.

(ii) Size: 0.37 square nautical mile.
(iii) Depth: Ranges from 1 to 12 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from Nome, Alaska, and adjacent areas. Use will be coordinated with the City of Nome prior to dredging.
(13) Nome, AK--West Site.

(i) Location: 64 deg.30'04''N., 165 deg.25'52''W.; 64 deg.29'18''N., 165 deg.26'04''W.; 64 deg.29'13''N., 165 deg.25'22''W.; 64 deg.29'54''N., 165 deg.24'45''W.

(ii) Size: 0.30 nautical miles.
(iii) Depth: Ranges from 1 to 11 meters.
(iv) Primary use: Dredged material.
(v) Period of use: Continuing use.
(vi) Restrictions: Disposal shall be limited to dredged material from Nome, Alaska, and adjacent areas. Use will be coordinated with the City of Nome prior to dredging. Preference will be given to placing any material in the inner third of the site to supplement littoral drift, as needed.
(o) Region X Final Other Wastes Sites.
(1) No final sites.
(2) [Reserved]

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