

LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT STATUS REPORT

U.S. Environmental Protection Agency, November 26, 2007

LONG ISLAND SOUND DREDGED MATERIAL DISPOSAL SITE DESIGNATION PROCESS

BACKGROUND

- EPA and USACE regulate dredged material disposal under the Marine Protection, Research, and Sanctuaries Act (MPRSA, or Ocean Dumping Act) in federal waters and Clean Water Act Section 404 in state waters.
- In LIS, all federal projects and non-federal projects disposing more than 25,000 c.y. must comply with both MPRSA and CWA (Ambro Amendment).

EPA & CORPS SHARE RESPONSIBILITY

- MPRSA or Ocean Dumping Act
 - Section 102: EPA “designates” sites for long-term use (typically with 20-year planning window).
 - Section 103: USACE “selects” sites for short-term use (two five-year periods), subject to EPA concurrence.
- Clean Water Act
 - Section 404: USACE issues permits

CHRONOLOGY

April 1998 – EPA and Corps sign Letter of Agreement in which, among other things, EPA commits to undertake a dredged material disposal site designation process with technical support from the Corps.

June 1999 – EPA publishes Notice of Intent in Federal Register to undertake EIS to evaluate designation of up to four disposal sites in LIS.

March 2002 – EPA notifies public that it will phase the EIS to focus first on Central and Western LIS region to avoid losing the CLIS site, which was scheduled to close in February 2004, then complete site designation studies for Eastern LIS (e.g., New London).

April 2004 – EPA completes FEIS recommending designation of CLIS and WLIS disposal site, initiates final rulemaking. Corps spends approximately \$8 million on labor and contractor support over duration of project.

June 2004 – NYS DOS sends letter stating proposed federal action is inconsistent with its Coastal Zone Management Program policies.

September 2004-May 2005 – EPA, USACE, NOAA and states of NY and CT negotiate conditions to site designation rule that would convince NY to remove its federal consistency objection.

December 2004 – Agreement reached between EPA, USACE, NOAA and states of NY and CT to undertake LIS DMMP; Steering Committee and Project Delivery Team (PDT) formed.

January 2005 – PDT meets for first time to scope DMMP cost and duration (estimated \$16 million over 5-7 years).

June 2005 – EPA publishes final rulemaking to designate CLIS and WLIS with conditions which, if not met, will result in sites closing:

- Completion of a regional dredged material management plan (DMMP) for Long Island Sound within 8-9 years.
- Annual review of progress toward completion of the DMMP resulting in the production of an annual report made available to the public by EPA.
- The formation of an interagency Long Island Sound Regional Dredging Team (RDT) to review the alternatives analysis for LIS dredged material disposal projects.

September 2005 – PDT guidance completed.

January 2006 – Regional Dredging Team (RDT) guidance completed.

June 2006 – RDT forms and has first meeting.

September 2006 – EPA issues first annual LIS DMMP progress report.

November 2006 – RDT reviews first dredging project subject to final rule requirements (PSEG Power, Bridgeport Harbor Station) – approved for open-water disposal at CLIS.

March 2007 – RDT charter completed.

October 2007 – Project Management Plan (PMP) for LIS DMMP completed.

November 2007 – EPA and Corps hold series of public information/NEPA scoping meetings to report on the status of the LIS DMMP, and solicit public input on the proposed studies.