



LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT STATUS REPORT

**U.S. Environmental Protection Agency
November 2007**

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; EPA can veto

CHRONOLOGY

- April 2004 – EPA completes Final EIS recommending designation of CLIS and WLIS disposal site, initiates final rulemaking
- May 2004 – EPA and USACE conduct public information meetings on findings of Final EIS
- June 2004 – NYS DOS sends letter stating proposed federal action is inconsistent with its Coastal Zone Management Program policies

CHRONOLOGY (cont)

- September 2004-May 2005 – EPA, USACE, NOAA and states of NY and CT negotiate conditions to site designation rule so NY can withdraw 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

CHRONOLOGY (cont)

- January 2005 – PDT meets for first time to scope DMMP cost and duration (initial estimate \$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

CHRONOLOGY (cont)

- September 2005 – PDT guidance completed
- January 2006 – RDT guidance completed
- June 2006 – RDT forms and has first meeting
- November 2006 – RDT reviews first dredging project subject to final rule requirements (PSEG Power, Bridgeport Harbor Station) – approved for open-water disposal at CLIS

CHRONOLOGY (cont)

- March 2007 – RDT charter completed
- October 2007 – Project Management Plan (PMP) for LIS DMMP completed
- November 2007 – Public information/NEPA scoping meetings in NY and CT