Eastern Long Island Sound Dredged Material Disposal Site Rulemaking

Public Hearings on Proposed Rule

U.S. EPA Regions 1 and 2

May 25-26, 2016

Central and Western LIS Dredged Material Disposal Sites

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

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

USACE- DMMP Recommendations

The LIS DMMP and PEIS were completed on January 11, 2016, and included the following recommendations:

- Standards and procedures for reviewing placement or disposal alternatives for dredging projects.
- Federal Base Plans and alternatives for each Federal Navigation Project and harbors.
- Further studies and development of beneficial use and other non-open water alternatives.
- Continuing disposal site management and monitoring, and further research on effects of disposal.

Dredged Material Disposal Sites Rulemaking

- On February 10, 2016, EPA proposed amendments to the 2005 rule for the CLDS and WLDS in the Federal Register.
- The proposed rule includes standards and procedures that support the goal of reducing or eliminating open-water disposal.
- EPA received 119 separate sets of comments and is in the process of finalizing the rulemaking.

Dredged Material Disposal Sites Rulemaking

The ELDS will have the same site use restrictions as the CLDS and WLDS, which are intended to support the goal of reducing or eliminating open-water disposal by establishing " standards and procedures":

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

Dredged Material Disposal Sites Rulemaking

- On April 27, 2016, EPA published the proposed rule to designate an Eastern Long Island Sound Disposal Site (ELDS) in the Federal Register (81 FR 24748).
- EPA is accepting public comments on the ELDS proposed rule and SEIS until June 27, 2016.

Standards and Procedures for Using the ELDS

Standards:

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

Standards and Procedures for Using the ELDS

Standards (continued):

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

Standards and Procedures for Using the ELDS

Procedures:

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

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

Standards and Procedures for Using the ELDS

Procedures (continued)

The Long Island Sound Regional Dredging Team:

- Covers all of Long Island Sound.
- Includes representatives of federal and state government agencies with expertise in dredging and dredged material management.
- Determines its own structure and processes.
- Encourages cooperative working relationships with other Long Island Sound-based organizations.

Next Steps

EPA is seeking public comment:

- Provided in person at the public hearings or in writing, submitted to ELIS@epa.gov or Brochi.Jean@epa.gov.
- Comments must be received by June 27, 2016.
- EPA plans to publish its final rule by the end of this summer.
- The New London and Cornfield Shoals sites close on December 23, 2016.