
40 C.F.R. § 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 §§ 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 1983 (NAD83). Further, note that the coordinates for each ocean disposal site may include either sexagesimal units (degrees, minutes, seconds) or decimal units (degrees, decimal minutes).

(b) Region I Final Dredged Material Sites.

(1) Portland, Maine, Dredged Material Disposal Site.

(i) *Location*: 43°33'36" N., 70°02'42" W.; 43°33'36" N., 70°01'18" W.; 43°34'36" N., 70°02'42" W.; 43°34'36" N., 70°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*: Two overlapping circles: Center of existing MBDS: 42°25.1' N, 70°35.0' W, 1 nautical mile radius; Center of temporary expansion: 42°26.417' N, 70°35.373' W, 0.75 nautical mile radius (NAD 1983).

(ii) *Size*: 4.60 sq. nautical miles.

(iii) *Depth*: Range from 70 to 91 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. The temporary expansion of the MBDS shall be used solely for the disposal of suitable dredged material generated during the Boston Harbor Deep Draft Navigation Project using the berm-building method devised and tested by the U.S. Army Corps of Engineers. The temporary expansion will automatically close upon completion of the Boston Harbor Deep Draft Navigation Project.

(3) Rhode Island Sound Disposal Site (RISDS).

(i) *Location*: Corner Coordinates (NAD 1983): 41°14'21" N, 71°23'29" W; 41°14'21" N, 71°22'09" W; 41°13'21" N, 71°23'29" W; 41°13'21" N, 71°22'09" W.

(ii) *Size*: One square nautical mile.

(iii) *Depth*: Ranges from 115 to 128 feet (35 to 39 meters).

(iv) *Primary use*: Dredged material disposal.

(v) *Period of use*: Continuing use.

(vi) *Restriction*: Disposal shall be limited to dredged material. Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

(4) Central Long Island Sound Dredged Material Disposal Site (CLDS).

(i) *Location*: Corner Coordinates (NAD 1983) 41°9.5' N., 72°54.4' W.; 41°9.5' N., 72°51.5' W.; 41°08.4' N., 72°54.4' W.; 41°08.4' N., 72°51.5' W.

(ii) *Size*: A 1.1 by 2.2 nautical mile rectangular area, about 2.42 square nautical miles in size.

(iii) *Depth*: Ranges from 56 to 77 feet (17 to 23.5 meters).

(iv) *Primary use*: Dredged material disposal.

(v) *Period of use*: Continuing use.

(vi) *Restrictions*: The designation in this paragraph (b)(4) sets forth conditions for the use of the Central Long Island Sound (CLDS), Western Long Island Sound (WLDS) and Eastern Long Island Sound (ELDS) Dredged Material Disposal Sites. These conditions apply to all disposal subject to the MPRSA, namely, all federal projects and nonfederal projects greater than 25,000 cubic yards. All references to "permittees" shall be deemed to include the U.S. Army Corps of Engineers (USACE) when it is authorizing its own dredged material disposal from a USACE dredging project. The conditions for this designation are as follows:

(A) Disposal shall be limited to dredged material from Long Island Sound and vicinity.

(B) Disposal shall comply with conditions set forth in the most recent approved Site Management and Monitoring Plan.

(C) Disposal of dredged material at the designated sites pursuant to the designation in this paragraph (b)(4) shall be allowed if, after full consideration of recommendations provided by the Long Island Sound Regional Dredging Team (LIS RDT) if the members of the LIS RDT reach consensus, or provided by the LIS RDT's member agencies if no consensus is achieved, the USACE finds (and EPA does not object to such finding), based on a fully documented analysis, that for a given dredging project:

(1) There are no practicable alternatives (as defined in 40 CFR 227.16(b)) to open-water disposal in Long Island Sound. Any available practicable alternative to open-water disposal will be fully utilized for the maximum volume of dredged material practicable;

(2) Determinations relating to paragraph (b)(4)(vi)(C)(1) of this section will recognize that, consistent with 40 CFR 227.16(b), a practicable alternative to open-water disposal may add reasonable incremental costs. Disposal of dredged material at the designated sites pursuant to this paragraph (b)(4) shall not be allowed to the extent that a practicable alternative is available.

(3) The following standards for different dredged material types have been appropriately considered:

(i) *Unsuitable material*. Disposal shall be limited to dredged sediments that comply with the Ocean Dumping Regulations.

(ii) *Suitable sandy material*. Suitable coarse-grained material, which generally may include up to 20 percent fines when used for direct beach placement, or up to 40 percent fines when used for nearshore bar/berm nourishment, should be used for beach or nearshore bar/berm nourishment or other beneficial use whenever practicable. If no other alternative is determined to be practicable, suitable coarse-grained material may be placed at the designated sites.

(iii) *Suitable fine-grained material*. This material has typically greater than 20 to 40 percent fine content and, therefore, is not typically considered appropriate for beach or nearshore placement, but has been determined to be suitable for open-water placement by testing and analysis. Materials dredged from upper river channels in the Connecticut, Housatonic and Thames Rivers should, whenever possible, be disposed of at existing Confined Open Water sites, on-shore, or through in-river placement. Other beneficial uses such as marsh creation, should be examined and used whenever practicable. If no other alternative is determined to be practicable, suitable fine-grained material may be placed at the designated sites.

(D) *Source reduction*. Efforts to control sediment entering waterways can reduce the need for maintenance dredging of harbor features and facilities by reducing shoaling rates. Federal, state and local agencies tasked with regulating discharges into the watershed should continue to exercise their authorities under various statutes and regulations in a continuing effort to reduce the flow of sediments into state waterways and harbors.

(E) There is established a Long Island Sound Dredging Steering Committee (Steering Committee), consisting of high-level representatives from the states of Connecticut and New York, EPA, USACE, and, as appropriate, other federal and state agencies. The Steering Committee will provide policy-level direction to the Long Island Sound Regional Dredging Team (LIS RDT) and facilitate high-level collaboration among the agencies critical to promoting the development and use of beneficial alternatives for dredged material. State participation on the LIS RDT and Steering Committee is voluntary. The Steering Committee is charged with: Establishing a baseline for the volume and percentage of dredged material being beneficially used and placed at the open-water sites; establishing a reasonable and practicable series of stepped objectives, including timeframes, to increase the percentage of beneficially used material while reducing the percentage and amount being disposed in open water, and while recognizing that the amounts of dredged material generated by the dredging program will naturally fluctuate from year to year; and developing accurate methods to track the placement of dredged material, with due consideration for annual fluctuations. The stepped objectives should incorporate an adaptive management approach while aiming for continuous improvement. When tracking progress the Steering Committee should recognize that exceptional circumstances may result in delays in meeting an objective. Exceptional circumstances should be infrequent, irregular, and unpredictable. It is expected that each of the member agencies will commit the necessary resources to support the LIS RDT and Steering Committee's work, including the collection of data necessary to support establishing the baseline and tracking and reporting on the

future disposition of dredged material. The Steering Committee may utilize the LIS RDT, as appropriate, to carry out the tasks assigned to it. The Steering Committee, with the support of the LIS RDT, will guide a concerted effort to encourage greater use of beneficial use alternatives, including piloting alternatives, identifying possible resources, and eliminating regulatory barriers, as appropriate.

(F) The goal of the Long Island Sound Regional Dredging Team (LIS RDT), working in cooperation with, and support of, the Steering Committee, is to reduce or eliminate wherever practicable the open-water disposal of dredged material. The LIS RDT's purpose, geographic scope, membership, organization, and procedures are provided as follows:

(1) *Purpose.* The LIS RDT will:

(i) Review dredging projects and make recommendations as described in paragraph (vi)(C) above. The LIS RDT will report to the USACE on its review of dredging projects within 30 days of receipt of project information. Project proponents should consult with the LIS RDT early in the development of those projects to ensure that alternatives to open-water placement are fully considered.

(ii) Assist the Steering Committee in: Establishing a baseline for the volume and percentage of dredged material being beneficially used and placed at the open water sites; establishing a reasonable and practicable series of stepped objectives, including timeframes, to increase the percentage of beneficially used material while reducing the percentage and amount being disposed in open water, recognizing that the volume of dredged material generated by the dredging program will naturally fluctuate from year to year; and developing accurate methods to track and report on the placement of dredged material, with due consideration for annual fluctuations.

(iii) In coordination with the Steering Committee, serve as a forum for: Continuing exploration of new beneficial use alternatives to open-water disposal; matching the availability of beneficial use alternatives with dredging projects; exploring cost-sharing opportunities; and promoting opportunities for beneficial use of clean, parent marine sediments often generated in the development of CAD cells.

(iv) Assist the USACE and EPA in continuing long-term efforts to monitor dredging impacts in Long Island Sound, including supporting the USACE's DAMOS (Disposal Area Monitoring System) program and related efforts to study the long-term effects of open-water placement of dredged material.

(2) *Geographic scope.* The geographic scope of the LIS RDT includes all of Long Island Sound and adjacent waters landward of the seaward boundary of the territorial sea (three-mile limit) or, in other words, from Throgs Neck to a line three miles seaward of the baseline across western Block Island Sound.

(3) *Membership.* The LIS RDT shall be comprised of representatives from the states of Connecticut and New York, EPA, USACE, and, as appropriate, other federal and state agencies. As previously noted, state participation on the LIS RDT is voluntary.

(4) *Organization and procedures.* Specific details regarding structure (e.g., chair, committees, working groups) and process shall be determined by the LIS RDT and may be revised as necessary to best accomplish the team's purpose.

(G) If the volume of open-water disposal of dredged material, as measured in 2026, has not declined or been maintained over the prior ten years, then any party may petition EPA to conduct a rulemaking to amend the restrictions on the use of the sites.

(H) Disposal shall be limited to dredged sediments that comply with the Ocean Dumping Regulations.

(I) Disposal of dredged material at the designated sites pursuant to the designation in this paragraph (b)(4) shall not be allowed for any materials subject to a waiver under 33 U.S.C. 1413(d) unless, for any project where a waiver is sought, the New England or New York District of the USACE provides notification, by certified mail at least thirty (30) days before making the waiver request, to the Governors of the states of Connecticut and New York and the North Atlantic Division of the USACE that it will be requesting a waiver.

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

(K) Nothing in the designation in this paragraph (b)(4) or elsewhere precludes the EPA from exercising its statutory authority to designate other ocean disposal sites, not subject to the restrictions in paragraph (b)(4)(vi), or taking any subsequent action to modify the site designation in paragraph (b)(4), provided that the EPA makes any such designation or takes such subsequent action through a separate rulemaking in accordance with all applicable legal requirements. Nothing in this designation shall be interpreted to restrict the EPA's authorities under the MPRSA or the implementing regulations or to amend the implementing regulations.

(5) Western Long Island Sound Dredged Material Disposal Site (WLDS).

(i) *Location:* Corner Coordinates (NAD 1983) 41°00.1' N., 73°29.8' W.; 41°00.1' N., 73°28.1' W.; 40°58.9' N., 73°29.8' W.; 40°58.9' N., 73°28.1' W.

(ii) *Size:* A 1.2 by 1.3 nautical mile rectangular area, about 1.56 square nautical miles in size.

(iii) *Depth:* Ranges from 79 to 118 feet (24 to 36 meters).

(iv) *Primary use:* Dredged material disposal.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* See 40 CFR 228.15(b)(4)(vi).

(6) Eastern Long Island Sound Dredged Material Disposal Site (ELDS).

(i) *Location:* Corner Coordinates (NAD83) 41°15.81' N., 72°05.23' W.; 41°16.81' N., 72°05.23' W.; 41°16.81' N., 72°07.22' W.; 41°15.97' N., 72°07.22' W.; 41°15.81' N., 72°06.58' W.

(ii) *Size:* A 1 x 1.5 nautical mile irregularly-shaped polygon, with an area of 1.3 square nautical miles (nmi) due to the exclusion of bedrock areas. North-central bedrock area corner coordinates (NAD83) are: 41°16.34' N., 72°05.89' W.; 41°16.81' N., 72°05.89' W.; 41°16.81' N., 72°06.44' W.; 41°16.22' N., 72°06.11' W.

(iii) *Depth:* Ranges from 59 to 100 feet (18 m to 30 m).

(iv) *Primary use:* Dredged material disposal.

(v) *Period of use:* Continuing use.

(vi) *Restrictions:* See paragraphs (b)(4)(vi)(A) through (N) of this section.

(7) Isles of Shoals North Dredged Material Disposal Site (IOSN).

(i) *Location:* A 8,530-foot (2,600-meter) diameter circle on the seafloor with its center located at 70° 26.995' W

and 43° 1.142' N.

(ii) *Size*: 1,312 acres (57,150,000 square feet).

(iii) *Depth*: Ranges from 295 to 328 feet (90 to 100 m).

(iv) *Primary use*: Dredged material disposal.

(v) *Period of use*: Continuing use.

(vi) *Restrictions*: Disposal shall be limited to dredged material that meets the requirements of the MPRSA and its implementing regulations at 40 CFR parts 220 through 228.

(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°36'49" N, 73°23'50" W; 40°37'12" N, 73°21'30" W; 40°36'41" N, 73°21'20" W; 40°36'10" N, 73°23'40" W (NAD27).

(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°34'32" N, 73°39'14" W; 40°34'32" N, 73°37'06" W; 40°33'48" N, 73°37'06" W; 40°33'48" N, 73°39'14" W (NAD27).

(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°34'36" N, 73°49'00" W; 40°35'06" N, 73°47'06" W; 40°34'10" N, 73°48'06" W; 40°34'12" N, 73°47'17" W (NAD27).

(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°32'30" N, 73°55'00" W; 40°32'30" N, 73°54'00" W; 40°32'00" N, 73°54'00" W; 40°32'00" N, 73°55'00" W (NAD27).

(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°12'48" N, 73°59'45" W; 40°12'44" N, 73°59'06" W; 40°11'36" N, 73°59'28" W; 40°11'42" N, 74°00'12" W (NAD27).

(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) Historical Area Remediation Site (HARS) Designation/Mud Dump Site Termination.

(i) *Status of Former Mud Dump Site*: The Mud Dump Site, designated as an Impact Category I site on May 4, 1984, is terminated.

(ii) *Location*: (A) The HARS (which includes the 2.2 square nautical mile area of the former Mud Dump Site) is a 15.7 square nautical mile area located approximately 3.5 nautical miles east of Highlands, New Jersey and 7.7 nautical miles south of Rockaway, Long Island. The HARS consists of a Primary Remediation Area (PRA), a Buffer Zone, and a No Discharge Zone. The HARS is bounded by the following coordinates:

Point	Latitude DMS	Longitude DMS	Latitude DDM	Longitude DDM
A	40°25'39" N	73°53'55" W	40°25.65' N	73°53.92' W.

M	40°25'39" N	73°48'58" W	40°25.65' N	73°48.97' W.
P	40°21'19" N	73°48'57" W	40°21.32' N	73°48.95' W.
R	40°21'19" N	73°52'30" W	40°21.32' N	73°52.50' W.
S	40°21'52" N	73°53'55" W	40°21.87' N	73°53.92' W.
V	40°21'52" N	73°52'30" W	40°21.87' N	73°52.50' W.

DMS = Degrees, Minutes, Seconds.

DDM = Degrees, Decimal Minutes.

(B) The PRA, is a 9.0 square nautical mile area to be remediated with at least a 1 meter cap of the Material for Remediation. The PRA is bounded by the following coordinates:

Point	Latitude DMS	Longitude DMS	Latitude DDM	Longitude DDM
B	40°25'23" N	73°53'34" W	40°25.38' N	73°53.57' W.
D	40°25'22" N	73°52'08" W	40°25.37' N	73°52.13' W.
F	40°23'13" N	73°52'09" W	40°23.22' N	73°52.15" W.
G	40°23'13" N	73°51'28" W	40°23.22' N	73°51.47' W.
H	40°22'41" N	73°51'28" W	40°22.68' N	73°51.47' W.
I	40°22'41" N	73°50'43" W	40°22.68' N	73°50.72' W.
L	40°25'22" N	73°50'44" W	40°25.37' N	73°50.73' W.
N	40°25'22" N	73°49'19" W	40°25.37' N	73°49.32' W.
O	40°21'35" N	73°49'19" W	40°21.58' N	73°49.32' W.
Q	40°21'36" N	73°52'08" W	40°21.60' N	73°52.13' W.
T	40°22'08" N	73°52'08" W	40°22.13' N	73°52.13' W.
U	40°22'08" N	73°53'34" W	40°22.13' N	73°53.57' W.

DMS = Degrees, Minutes, Seconds.

DDM = Degrees, Decimal Minutes.

(iii) Size: 15.7 square nautical miles.

(iv) Depth: Ranges from 12 to 42 meters.

(v) Restrictions on Use:

(A) The site will be managed so as to reduce impacts within the PRA to acceptable levels in accordance with 40 CFR 228.11(c). Use of the site will be restricted to dredged material suitable for use as the Material for Remediation. This material shall be selected so as to ensure it will not cause significant undesirable effects including through bioaccumulation or unacceptable toxicity, in accordance with 40 CFR 227.6.

(B) Placement of Material for Remediation will be limited to the PRA. Placement of Material for Remediation within the PRA is not allowed in a 0.27 nautical mile radius around the following coordinates due to the presence of shipwrecks: 40°25.30' W, 73°52.80' N; 40°25.27' W, 73°52.13' N; 40°25.07' W, 73°50.05' N; 40°22.46' W, 73°53.27' N.

(C) No placement of material may take place within the Buffer Zone, although this zone may receive material that incidentally spreads out of the PRA. The Buffer Zone is an approximately 5.7 square nautical mile area (0.27 nautical mile wide band around the PRA), which is bounded by the following coordinates:

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