

DRAFT (5/26/04)

Definitions of “Suitable” Materials for aquatic disposal (definition of suitable is variable and depends on the disposal alternative).^{See Footnote #1}

Aquatic Disposal for Storage (e.g., Western Anchorage Temporary Sediment Storage Site).

Acceptable Material: must comply with restrictions on discharges at §230.10; and,
(1) material must pass Tier II and III Inland Testing Manual; or,
(2) coarse grained materials meeting criteria in §230.60(a).
Conditions for site use include preparation of a site management and identification and characterization of an appropriate reference site.

Confined Disposal Facility (Port Fills).

Acceptable Material: Materials are not hazardous (as per RCRA, SuperFund); and,
(1) Appropriate engineering constraints applied to reduce contamination to acceptable levels at the site and prevent contamination being carried beyond the site (§230.60(d)), or;
(2) Materials passing Tier III or consistent with criteria for coarse grained materials (§230.60(a)).

Confined Aquatic Disposal (CAD).

Acceptable Material:

- (1) Material substantially similar to materials found naturally at the site and confined (capped) as per pilot project; or,
- (2) Material substantially similar to contaminated materials from Los Angeles River Estuary used for CAD pilot project and capped as per pilot project; or,
- (3) Material with substantially greater levels of contamination than those used in pilot project, for which acceptable confinement criteria are established as conditions of use (i.e., cap and management procedures have been demonstrated to provide appropriate confinement protection equal to confinement afforded to pilot project materials from the tested cap), per §404 of CWA and §103 of MPRSA.

Beach Nourishment.

Acceptable Material:

- (1) Physically compatible material meeting criteria of §230.60(a); or,
- (2) Physically compatible material which passes Tier III testing and does not exceed contamination levels acceptable for human exposure.

FOOTNOTE #1: Testing and evaluation to determine suitability of sediments for unconfined open water disposal, as well as other disposal alternatives, is dynamic and will continue to evolve as testing protocols and the science of assessing sediment quality and its impacts on the

physical, chemical and biological environment evolves. While the results of Tier II and III tests are not always conclusive or sufficiently robust to fully assess all environmental impacts, reliance on these testing protocols (as described in the Corps/EPA Inland Testing Manual) coupled with other lines of evidence currently provides the most reliable determination of environmental impacts from discharges of fill or dredged materials. As improvements to these protocols or advances in testing of dredged materials are made, these definitions of what is suitable for these different disposal options should be revised accordingly.

All available lines of evidence should be used in making the suitability decision. The Long-Term Management Strategy (Section 4.7) recommends comparisons of sediment quality guidelines (if available) and using data from toxicity testing, SQGs, and bioaccumulation evaluations in making suitability determinations. The Strategy also supports use of the mean ERM quotient (with DDT values) or SQG-Q1 to assess the potential that a sediment sample either exhibits or lacks acute toxicity. Additionally, the Strategy supports CA AETs as an additional line of evidence, with the use of AETs in conjunction with a SQG quotient being likely to provide greater confidence in evaluating the potential for sediment toxicity. See Section 4.7.

§230.10(b)(1-4) – no discharge of dredged or fill material shall be permitted if it causes or contributes to violations of any applicable State water quality standard; or, violates any applicable toxic effluent standard or prohibition; or, jeopardizes the continued existence of endangered or threatened species or is an adverse modification of critical habitat; or, violates and requirements imposed to protect any marine sanctuary.

§230.20(c) – no discharge of dredged or fill material shall be permitted which causes or contributes to significant degradation of waters of the United States, including significant adverse impacts on human health or welfare; or, significant adverse effects on life stages of aquatic life and other wildlife dependent on aquatic ecosystems including the transfer, concentration and spread of pollutants or their byproducts outside of the disposal site through biological, physical or chemical processes; or, significant adverse effects on aquatic system diversity, productivity and stability; or, significant adverse effects on recreational, aesthetic and economic values.

§230.60(a) – if an assessment of the proposed dredge site leads to a determination that the site is sufficiently removed from sources of pollution to provide reasonable assurances that the proposed discharge material is not a carrier of contaminants (factors to be considered are listed at §230.60(b)) and that the dredged or fill material is not a carrier of contamination, then the required determinations pertaining to the presence and effects of contaminants (§230.11 Factual Determinations) can be made without testing. This section states that dredged or fill material most likely to be free from chemical, biological, or other pollutants where it is composed primarily of sand, gravel, or other naturally occurring inert material; these type of materials are typically found in areas of high current or wave energy.

§230.60(d) – even if it is determined that the proposed dredge materials are likely carriers

of contamination (e.g., occurrence of spills, known discharges of contaminants, previous testing, etc.) testing may not be necessary if constraints are employed to reduce contamination to acceptable levels within the disposal site and to prevent contaminants from being transported beyond the boundaries of the disposal site.