

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-7464-4]

Ocean Dumping; Proposed De-designation of Sites and Proposed Designation of New Sites at the Mouth of the Columbia River, Oregon and Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to de-designate four existing ocean dredged material disposal sites located off the mouth of the Columbia River near the states of Oregon and Washington, and to designate two new sites for the ocean disposal of dredged material. The two new sites are needed for long-term use by authorized Columbia River navigation projects and may be available for use by others meeting the criteria for ocean dumping of dredged material. The designation of new ocean disposal sites by EPA is necessary to provide acceptable sites for current and future dredged material disposal needs. The proposed site designations will be for an indefinite period of time. The sites will be subject to continuing monitoring and management to ensure that unacceptable, adverse environmental impacts do not occur. The de-designation of existing sites is necessary to discontinue the use of designated sites where the impact of disposal has resulted in changed site conditions.

DATES: Comments must be received on or before April 25, 2003.

ADDRESSES: Written comments on this proposed rule should be sent on or before 5 p.m. of the 45th day from the date of this publication in the **Federal Register** to: John Malek, Dredging and Ocean Dumping Coordinator, EPA Region 10, 1200 Sixth Avenue, ECO-083, Seattle, WA 98101-1128.

The file supporting these proposed designations and de-designations is available for inspection at the following locations:

EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

U.S. Army Corps of Engineers, Northwestern Division, U.S. Customs House, 220 Northwest Eighth, Portland, Oregon.

U.S. Army Corps of Engineers, Portland District, Robert Duncan Plaza, 333 S.W. First Avenue, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: John Malek, Ocean Dumping Coordinator, U.S. Environmental Protection Agency,

Region X (ECO-083), 1200 Sixth Avenue, Seattle, WA 98101-1128, telephone (206) 553-1286, e-mail: malek.john@epa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, as amended, 33 U.S.C. 1401, *et seq.*, gives the Administrator of EPA the authority to designate sites where ocean disposal, also referred to interchangeably as ocean dumping, may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean disposal sites to the Regional Administrator of the Region in which the site is located. The proposed site designations and de-designations, located at the mouth of the Columbia River, are within Region 10 and these actions are being taken pursuant to the Regional Administrator's delegated authority.

The EPA Ocean Dumping Regulations promulgated under the MPRSA require, among other things, that ocean dumping sites be designated by promulgation in 40 CFR part 228. *See* 40 CFR 228.4. Designated ocean dumping sites are codified at 40 CFR 228.14 and 228.15. A total of four ocean dumping sites (Site A, Site B, Site E, and Site F) off of the mouth of the Columbia River were designated in August 1986 (51 FR 29923) (Figure 1) to be used as disposal sites for dredged materials from Columbia River navigation projects. Sites A, B and F have, over time, proven to be inadequate to handle long term disposal of dredged material from the Columbia River navigation projects without the creation of adverse wave conditions at the disposal sites. This rule proposes to de-designate Sites A, B and F. Site E, because its size as currently designated inhibits the ability to minimize interference with other activities in the marine environment, needs to be modified to allow for changed circumstances concerning the use of the site. This rule proposes to designate a new site, the Shallow Water site, which incorporates the 1986-designated Site E but appreciably expands it to provide sufficient space to spread dredged materials so as to avoid the creation of conditions that would interfere with navigation safety. Dredged material disposed of at the proposed site is expected to contribute material to the littoral zone. This rule also proposes a completely new site, the Deep Water site, which would be located approximately 4.5 to 6 nautical miles from the mouth of the Columbia

River off the State of Oregon. The Deep Water site would provide capacity for dredged materials from Columbia River navigation projects that cannot be accommodated in the nearshore zone. The Deep Water site would also be available for use by the United States Army Corps of Engineers (Corps) when storm events preclude the use of nearshore disposal locations. In inclement weather, conditions nearer the shore and the nearer to the jetties (*i.e.*, at the Shallow Water and North Jetty sites) are more dangerous than conditions at the Deep Water site. Visibility is impaired and winds and currents can broadside a vessel and push it into shallow water at the North Jetty and Peacock Spit, or onto the jetty itself. Waves also can build up in shallow water and between the jetties during an ebb tide during which time navigation across the entrance bar can be closed by the United States Coast Guard.

The availability of ocean dredged materials disposal sites (ODMDSs) in the vicinity of the mouth of the Columbia River is necessary to provide disposal options for the Corps to maintain deep-draft, international commerce and navigation through authorized federal navigation channels. Three of the existing ODMDSs designated in 1986, Sites A, B and F, have experienced mounding, generating a potentially hazardous navigation safety condition. The developing mounds at Sites A, B, and F threatened to create hazardous conditions for large ships and small craft due to waves refracting from and breaking over the mounds. Commercial shippers, crab fishermen, and the U.S. Coast Guard expressed concern over this situation to both the Corps and EPA. Efforts were undertaken by the federal government to temporarily expand the existing sites in 1993 and 1997 and to manage distribution of the dredged material within the available site capacities while seeking a more permanent management solution. Circumstances at sites A, B and F necessitate de-designation of the sites so that no further use is made of them. Conditions at site E are changed such that modification of the site to withdraw designation of its current configuration to allow for a permanent expansion to a larger site, the Shallow Water site, is proposed. Designating the Shallow Water site and a new Deep Water site is part of the permanent management solution for handling dredged materials from Columbia River navigation projects. These designations are being proposed in accordance with Sec.